

Case Report

1. Case Number :	0127-24
2. Advertiser :	Gotham City
3. Product :	Sex Industry
4. Type of Advertisement/Media :	Billboard
5. Date of Decision:	15-May-2024
6. Decision:	Upheld –Modified or Discontinued

ISSUES RAISED

AANA Code of Ethics\2.2 Exploitative or Degrading

AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This billboard advertisement features multiple images displayed on screens on the sides and back of a truck with the Victorian registration plate ISEEUU.

Image 1 features two women. One of the women's nipples are covered by stars. She is also blindfolded and posed with her finger in her mouth. The other woman is seen with her tongue out, licking the first woman's nipples. The text in the advertisement reads "Start your week with a bang!".



Image 2 features an image of a woman focusing on her upper torso. The woman is wearing black lace lingerie with strips of fabric covering her nipples. The text in the advertisement reads, "Start your week with a bang!".



Image 3 features an image of a woman wearing lingerie, the angle of the photo is from below focusing on her crotch. Text in the advertisement reads, "8 Star Luxury".



Image 4 features a close-up image of two scantily clad people in an embrace. The first person has their hand gripping the exposed buttock of the second. Text in the advertisement reads, "8 Star Luxury".



Image 5 features a woman wearing red lace lingerie reclining on her side. Text in the advertisement reads, "Australia's No. 1".



Image 6 features a cherub statue wearing a mask and holding cash. There is an image of a woman in a strappy leather body suit behind the cherub. Text in the advertisement reads, "Pycash Payless".



Image 7 features a woman from seen behind with her hands restrained behind her back. Text in the advertisement reads, "8 Star Luxury".



THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

There was a small truck registration ISEEUU driving along Dandenong Rd this morning. It is a 3 sided electronic bill board for Gotham City House of Sin which I'm guessing is either a strip joint or brothel.

The images are VERY graphic. It was very uncomfortable being stuck behind it at traffic lights and clearly impacted driver decisions.

Imagine if a parent with children in the car pulled up behind or beside the truck. The Images are huge and close up.

I am concerned about the pornographic and explicit sexual poses/ actions displayed in the advertisements on the Gotham city mobile advertising truck. It is true that businesses such as Victoria Secret show women in lingerie to advertise their product but they are not in explicit sexual poses and engaged in sexual acts. Some of the pictures just show a vaginally and anal directed view and some are essentially a still of x rated foreplay/ sex/ adult content in progress.

The images are also so bright you cannot help see them.

While it's not possible to know the preferences of every single person the truck may drive past, community standards demand that people are free to choose content they view. For example movies and TV programs that have explicit sexual content have warnings and ratings so people are free to view or not to view. The advertisements on the Gotham city trucks give people no choice as they are so bright and designed to be highly visible. Even if only one image is seen and you decide to turn away the exposure has already occurred.

Please take urgent action to ensure Gotham city ceases their advertising.

It was highly pornographic advertising that was digital on a truck and therefore would change pictures. It was fully open to people on the street especially young children for which is not appropriate especially considering in broad daylight it is advertising an adult entertainment industry. The content was absolutely sickening and shocking.

I was travelling along Ferntree Gully Rd toward Stud Road at 3.30 PM on Monday 22nd April when I had the misfortune to be driving behind a truck (registration ISEEUU) which was advertising for Gotham City House of Sin. The images being displayed were very confronting and bordering on pornographic.

At 3.30 in the afternoon when parents are picking up their children from school it is not appropriate for them or their children to be subjected to such images. I feel for the parents and the difficulties that they would face in trying to explain what these images mean

overly bright and sexual mobile advertisement

*Highly explicit, offensive content, that is deeply misogynistic - showing naked women in a highly sexual context. Highly distracting and dangerous for driving in peak our traffic driving to work on the princes highway
Also so damaging for children (7.20 am!!!)*

In the same week that a women across Australia are protesting against violence perpetrated against women and where there are strong links between sexual objectification of women and violence, I was shocked and distressed to be confronted with this appalling ad as I cycled down Collins Street last week. The images were graphic and sexually explicit and the truck itself was very loud - it seemed to have some kind of generator powering it which was very intrusive. I've never complained about an ad before - I expect the advertising industry to be lowest common denominator - but this was next level. The agency that produced it should also be investigated, as well as the company running it and the business itself.

The advertisement for Gotham City was on a mobile digital billboard mounted in the body of a truck. The images were very bright even during the day when I spotted the truck and were extremely distracting to drivers and pedestrians. The images were of women in various sexually suggested poses and positions accompanied by lewd text.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

Regarding your concerns, Gotham City operates as a legal entity and diligently adheres to all applicable laws and regulations. We assure you that our operations are conducted in full compliance with the law.

The "I See You Media" truck, employed by Gotham City, operates lawfully and is in strict accordance with the regulations set forth by VicRoads and Victorian Law. Our digital advertising content consists solely of static images, fully compliant with permissible standards for such media.

Furthermore, it is important to clarify that our advertisements featuring individuals in bikinis do not constitute nudity. As a licensed brothel, we engage in the promotion of our services, which naturally includes the individuals who provide them. This practice is consistent with the advertising norms observed within our industry.

It is noteworthy that numerous similar digital billboard trucks are operational in the Melbourne area without issue, underscoring the conformity of our practices with prevailing standards.

In summary, we respectfully assert that the concerns raised regarding our business lack merit. The content displayed by Gotham City's advertising vehicles adheres to legal guidelines and industry norms, and does not contravene any regulations regarding nudity or obscenity. We maintain that the portrayal of individuals in bikinis is commonplace in various public spaces and media platforms, thereby mitigating any purported concerns regarding our advertisements.

Secondary Response:

As per our previous correspondence.

We have not breached any laws.

I have read your complaints and my lawyers agree that we have done nothing wrong.

We sell sex.

We are legally permitted to display bodies of ladies and mem. Our Adds do not show any form of nudity .

There is no fully naked ladies or men.

There are no display of ; nipples nor vigina's or a penis.

The truck complies and is legal.

With saying this can you please refrain yourself with your emails. WE are not interested as there is much more important country and state problems that your complaining people should be focusing on.

THE DECISION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants' concerns that the advertisement:

- is objectifying of women and degrading to women
- is overtly sexual and inappropriate for display in a public space.

The Panel viewed the advertisement and noted the advertiser's response.

Section 2.2: Advertising should not employ sexual appeal in a manner which is exploitative or degrading of any individual or group of people.

The Panel noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:

- *Exploitative - (a) taking advantage of the sexual appeal of a person, or group of people, by depicting them as objects or commodities; or (b) focussing on their body parts where this bears no direct relevance to the product or service being advertised.*
- *Degrading – lowering in character or quality a person or group of people.*

The Panel noted that the advertisement is for a brothel and depicts women in lingerie. The Panel considered that the advertisement contains sexual appeal.

The Panel noted that the business being advertised was a brothel, and that some members of the community would consider this industry as a whole to treat women like objects available for purchase. The Panel noted that this type of business is legal and allowed to advertise, and that the Panel’s role is to consider the content of the advertisement and not the business itself.

The Panel considered that advertising for brothels should advertise their services, and avoid suggesting that the workers are objects.

Image 1

The Panel considered that the women’s facial expressions and body language indicated that they were consensually interacting with each other. The Panel considered that the focus on the women’s bodies was relevant to the advertised service.

However, the Panel considered that the text, “Start your week with a bang!” was a direct call to action to the viewer indicating that the women are available to them. The Panel considered that the wording of the advertisement does convey that the women are objects available to purchase.

The Panel considered that image 1 did employ sexual appeal in a manner which is exploitative or degrading of the two women or women in general.

Image 2

The Panel considered that the image had been cropped below the woman’s eyes and the focus of the image was on the woman’s body parts. The Panel considered that the text, “Start your week with a bang!” was a direct call to action to the viewer indicating that the woman is available to them. The Panel considered that the wording of the advertisement in combination with the dehumanising nature of the image, conveys the message that the woman is an object available to purchase.

The Panel considered that image 2 did employ sexual appeal in a manner which is exploitative or degrading of the woman or women in general.

Image 3

The Panel considered the camera angle of the advertisement was voyeuristic and portrayed from the angle of someone looking up at the woman as an object. The Panel considered that advertisement not featuring the woman's face was dehumanising. The Panel considered that the advertisement depicted the woman as a sexual object.

The Panel considered that image 3 did employ sexual appeal in a manner which is exploitative of the woman and women in general.

Image 4

The Panel considered that while the women's body language indicated that they were consensually interacting with each other, their faces were not visible. The Panel considered that advertisement not featuring the women's faces was dehumanising and reduced the sexual act between them to something done for a viewer's pleasure. The Panel considered that the advertisement depicted the women as a sexual objects.

The Panel considered that image 4 did employ sexual appeal in a manner which is exploitative of the two women and women in general.

Image 5

The Panel considered that the woman's pose and facial expression were relaxed and the woman appeared to be in control. The Panel considered that the focus on the woman's body was relevant to the advertised service. The Panel considered that the advertisement did not lower the woman in character or quality.

The Panel considered that image 5 did not employ sexual appeal in a manner which is exploitative or degrading of the woman or women in general.

Image 6

The Panel noted that the focus of this image was on the cherub and the messaging that you can pay less if you pay cash. The Panel considered that advertisement not featuring the woman's face was dehumanising. The Panel considered that the combination of the dehumanising image of the woman, and the messaging that you get a discount if you pay cash, is a strong suggestion that the woman is a sexual object available for purchase.

The Panel considered that image 6 did employ sexual appeal in a manner which is exploitative of the woman and women in general.

Image 7

The Panel noted that the cropped image did not show the woman's face and considered that the woman's facial expression could not provide any context regarding her willingness to participate. The Panel considered that the woman's hands are in restraints and she could have been restrained against her will. The Panel considered that this cropped image focussing on a woman being restrained was a strong suggestion that the woman was an object to be used for sex. The Panel considered that the advertisement depicted the woman as a sexual object.

The Panel considered that image 7 did employ sexual appeal in a manner which is exploitative of the woman and women in general.

Section 2.2 conclusion

Finding that the advertisement did employ sexual appeal in a manner which is exploitative or degrading of an individual or group of people, the Panel determined that images 1, 2, 3, 4, 6, and 7 did breach Section 2.2 of the Code.

Section 2.4: Advertising shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

The Panel noted the Practice Note for the Code states:

"Overtly sexual images are not appropriate in outdoor advertising or shop front windows.

"Although not exhaustive, the following may be considered to be overtly sexual:

- Poses suggestive of sexual position: parting of legs, hand placed on or near genitals in a manner which draws attention to the region;
- People depicted in sheer lingerie or clothing where a large amount of buttocks, female breasts, pubic mound or genital regions can be seen; The use of paraphernalia such as whips and handcuffs, particularly in combination with images of people in lingerie, undressed or in poses suggestive of sexual position;
- Suggestive undressing, such as pulling down a bra strap or underpants; or
- Interaction between two or more people which is highly suggestive of sexualised activity.

"Discreet portrayal of nudity and sexuality in an appropriate context (eg advertisements for toiletries and underwear) is generally permitted but note the application of the relevant audience. More care should be taken in outdoor media than magazines, for example.

"Images of models in bikinis or underwear are permitted, however, unacceptable images could include those where a model is in a suggestively sexual pose, where

underwear is being pulled up or down (by the model or another person), or where there is clear sexual innuendo from the ad (e.g. depicting women as sexual objects).”

Does the advertisement contain sex?

The Panel considered whether the advertisement contained sex. The Panel noted the definition of sex in the Practice Note is “sexual intercourse; person or persons engaged in sexually stimulating behaviour”.

The Panel noted that images 1 and 4 depicted feature people engaged in sexual behaviour.

The Panel considered that image 7 contained an image of a woman in restraints, and that this was a suggestive of a person engaged in sexually stimulating behaviour.

The Panel considered that images 1, 4, and 7 did contain sex.

Does the advertisement contain sexuality?

The Panel noted the definition of sexuality in the Practice Note is “the capacity to experience and express sexual desire; the recognition or emphasis of sexual matters”.

The Panel noted that the advertisement was for a brothel and featured images of women in lingerie and/or sexual poses. The Panel considered that all of the images in the advertisement did contain sexuality.

Does the advertisement contain nudity?

The Panel noted that the definition of nudity in the Practice Note is “the depiction of a person without clothing or covering; partial or suggested nudity may also be considered nudity”.

The Panel noted that the images depicted women in lingerie and considered that this was a depiction of partial nudity.

Are the issues of sex, sexuality and nudity treated with sensitivity to the relevant audience?

The Panel noted that the definition of sensitivity in the Practice Note is “understanding and awareness to the needs and emotions of others”.

The Panel considered that the requirement to consider whether sexual suggestion is ‘sensitive to the relevant audience’ requires them to consider who the relevant audience is and to have an understanding of how they might react to or feel about the advertisement.

The Panel noted that this image appears on a mobile billboard on public streets in Melbourne at all times of day and considered that the relevant audience would be broad and would include children.

Image 1

The Panel considered that the advertisement was strongly suggested sexualised activity and was overtly sexual. The Panel considered that this depiction was not appropriate for the relevant broad audience of daytime Melbourne pedestrians and road-users.

The Panel considered that image 1 did not treat the issues of sex, sexuality and nudity with sensitivity to the relevant audience.

Image 2

The Panel noted that the focus of the advertisement was on the woman's breasts. The Panel considered that the style of the lingerie meant that while the woman's nipples were covered, her breasts were mostly visible. The Panel considered that this level of nudity was not appropriate for the relevant broad audience of daytime Melbourne pedestrians and road-users.

The Panel considered that image 2 did not treat the issues of sexuality and nudity with sensitivity to the relevant audience.

Image 3

The Panel considered that the depiction of the woman from a low angle with the focus on the woman's groin was overtly sexual. The Panel also noted the woman's depiction as an object and considered that this depiction was not appropriate for the relevant broad audience of daytime Melbourne pedestrians and road-users.

The Panel considered that image 3 did not treat the issues of sexuality and nudity with sensitivity to the relevant audience.

Image 4

The Panel considered that the depiction suggested sexual activity between the women and was overtly sexual. The Panel considered that this depiction was not appropriate for the relevant broad audience of daytime Melbourne pedestrians and road-users.

The Panel considered that image 18 did not treat the issues of sex, sexuality and nudity with sensitivity to the relevant audience.

Image 5

The Panel considered that although there was a large amount of cleavage visible, the woman was wearing lingerie which covered her nipples and genital area. The Panel considered that the level of nudity in the advertisement was similar to what can be seen in lingerie advertising. The Panel considered that the woman's pose was not highly sexualised and that the overall image was not overtly sexual.

The Panel considered that image 3 did treat the issues of sexuality and nudity with sensitivity to the relevant audience.

Image 6

The Panel noted that the style of lingerie worn by the woman is highly sexualised and a large amount of one of the woman's breast was visible. The Panel considered that this depiction was overtly sexual.

The Panel noted the woman's depiction as an object and considered that this depiction was not appropriate for the relevant broad audience of daytime Melbourne pedestrians and road-users.

The Panel considered that image 6 did not treat the issues of sexuality and nudity with sensitivity to the relevant audience.

Image 7

The Panel considered that the depiction of the woman in lingerie being restrained suggested sexual activity. The Panel also noted the woman's depiction in as an object and considered that this depiction was not appropriate for the relevant broad audience of daytime Melbourne pedestrians and road-users.

The Panel considered that image 17 did not treat the issues of sex, sexuality and nudity with sensitivity to the relevant audience.

Section 2.4 Conclusion

The Panel determined the advertisement did not treat sex, sexuality and nudity with sensitivity to the relevant audience and that images 1, 2, 3, 4, 6, and 7 did breach Section 2.4 of the Code.

Conclusion

Finding that the advertisement did breach Sections 2.2 and 2.4 of the Code, the Panel upheld the complaints.

THE ADVERTISER'S RESPONSE TO DECISION

The advertiser provided a statutory declaration confirming that all images relating to this campaign have been removed from the vehicle with registration ISEEUU and the images will not be used again.