



Case Report

1	Case Number	0153/15
2	Advertiser	Club Shoop
3	Product	Sex Industry
4	Type of Advertisement / media	Transport
5	Date of Determination	29/04/2015
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.2 - Objectification Exploitative and degrading - women
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

The advertisement is a mobile billboard with a picture of two girls in lingerie and standing up and leaning on each other.

THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

The large billboards I have seen been driven around on a truck several times during the school holidays. The truck is driven along busy roads and stopping along the roads near shopping centres. These billboards on the truck are advertising female strippers in their club and have pictures of inappropriate females. Magazines are hidden in shops away from the public view and this truck with the billboards is displayed for everyone to view including children. Its not appropriate for the areas to see this. It should be kept in front of their venue.

THE ADVERTISER'S RESPONSE

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

We are an established family owned business for nearly 23 years and over this period we have advertised our business using our Billboard Advertising trucks all over the South Eastern suburbs daily.

We have up to 40 staff at any one time relying on us to promote and build our business and keep them employed and income for their families.

As to the complaint being made against us referring to our mobile truck billboards being driven around schools and shopping centers during the day is never an intention but I do believe there are plenty of schools and shopping centers on main roads for convenience and exposure for most major shopping centers... we don't go into school grounds or into the car parking facilities we drive past them on the main roads and for the person making the complaint baffle's me with the comment made "Reason for Concern: The large billboards I have seen been driven around on a truck several times during the school holidays" and I'm very surprised by their concern as they stipulated seeing us pass by during "school holidays times" when there are no students present.

We stick to main roads, freeways and Highways where possible and yes occasionally our drivers have to pull over to take a phone call (which is a legal requirement by law), lunch breaks, use local amenities and to refuel. I also note that we follow all Vic Roads and Local Council rules that stipulate we cannot stop unless for these reasons.

We try to avoid any areas where there are schools and during school times as our advertising is marketed to 18+ not minors but some times traffic flow on those main roads can interfere with timing. But as I stipulated we avoid those areas and there are very few schools on our routes. We have the right to advertise our business like any one else and they should not judge or discriminate against us for the nature of our business.

We do advertise appealing models on our Mobile truck billboards as it's the nature of the business we are in and have done so for so many years without any real drama as we have been in the area for such a long time and if the billboard had an advertisement for girls modelling swimwear, lingerie or even Victoria Secret annual lingerie parade would they find that offensive. Is it because we have the words Sexually Explicit entertainment written across the advertisement (which is required by Law). There are thousands of sexualised advertisements with scantily clad women displayed on main roads, in shopping centres, Television, Giant Billboards, buses, Trams, back of taxis, on buildings and shop fronts all over Melbourne every day. But because we stipulate the nature of our business they take offence.

The girls on the advertisement are wearing no less and no more inappropriate than what you would find in current media advertising and television programming.

This is a normal part of today's society and as a parent they should have the parenting skills and ability to explain each situation as it comes up with their child.

The complainant made from the person seems like a personal offence because we stipulate the type of business we are and not that of an offended child.

Most children who can read would ask the parent what it is and I'm sure most parents would know what to say as they have been doing for so many years that its for adults.

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Board noted the complainant's concern that the advertisement depicts a woman's breasts and that the level of nudity is unnecessary and offensive and unsuitable for display in this manner.

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

The Board considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: “Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.”

The Board noted that in order to be in breach of this section of the Code the image would need to use sexual appeal in a manner that is both exploitative and degrading.

The Board noted that this advertisement is a mobile billboard with a picture of two women holding hands and positioned closely together. One woman has a bra and panties and high heels and the other woman is wearing briefs and an open collared shirt. The text around the image includes details of the venue, opening hours and a contact phone number.

The Board noted that the venue itself is a gentlemen’s club and adult entertainment venue that includes striptease. The Board noted that it is reasonable for the advertiser of a venue of this nature to use images of scantily clad women in a promotion for the venue and for events that are taking place. The Board noted that although the women are scantily dressed, their nipples are not exposed, their genitals are covered by their panties and they are depicted standing next to each other but not in a strongly sexualised manner.

The Board agreed that that in the context of an adult entertainment venue the depiction of women posed in a seductive manner is not exploitative and the image itself does not portray women in a manner which is degrading.

The Board considered that the advertisement did not employ sexual appeal in a manner which is exploitative and degrading and determined that the advertisement did not breach Section 2.2 of the Code.

The Board then considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience”.

The Board noted that level of nudity in the advertisement was consistent with advertising material for gentlemen’s clubs and that in the context of a product aimed at adults the sexualised content was not of itself inappropriate.

The Board noted that the woman with the open shirt has very large breasts and that there is a significant amount of cleavage shown to the point of nearly exposing her whole breast. The Board considered that unlike a previously considered image for the Crazy Horse (ref: 0559/14) where the poster was in the window of the venue, this image was on a mobile billboard and that this meant that it was able to be viewed by a broad audience.

The Board considered the overall tone of the advertisement and specifically some of the features such as the level of exposed breast, the strap of a bra slipping down and the wide spread legs of one of the models and considered that this did amount to an image that was very sexualised and that the display of such an image on an outdoor mobile billboard did not treat the issue of sex and sexuality with sensitivity to the relevant broad audience. On that basis that this was overtly sexualised for a broad audience the Board considered that it did breach Section 2.4 of the Code.

Finding that the advertisement did breach section 2.4 of the Code, the Board upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

We would like to advise that while we are very disappointed with the Board’s decision, considering that excess cleavage is everywhere in the media if not greater exposure of breasts than that of our Billboard and the stance on the models is no more suggestive than that of girls modelling underwear and bikinis, but as the ruling has been made we have decided that due to the high cost of fixing the existing image, the current advertising Billboard media was

removed from our trucks this morning and replaced with previously approved media.