

## Case Report

1. Case Number :	0252-23
2. Advertiser :	Gotham City House of Sin
3. Product :	Sex Industry
4. Type of Advertisement/Media :	Billboard
5. Date of Decision:	8-Nov-2023
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 advertisement is a series of images that appear on a digital billboard - a truck with screens on three sides. The screens cycle through 19 images.

Image 1 - A close up of a woman lying her stomach. She is shown from the feet, with her buttocks and back visible. She appears to be naked.



Image 2 - A fully clothed man sitting with a woman in black bra and gstring standing next to him shown from the shoulders down. The man is smirking at the camera while the woman is facing away from the camera.



Image 3 - A reclining woman in brief red lingerie shown with her hand on her hip.

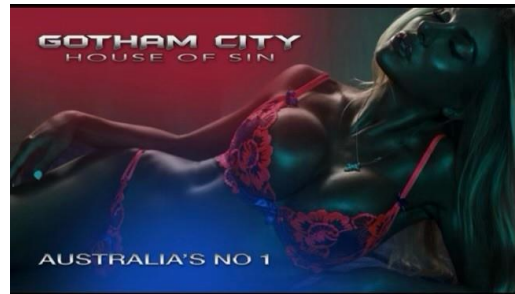


Image 4 - A gold image, showing a close up of a woman's lower face with dripping lips and a second woman with her hand raised.



Image 5 - A woman in red lingerie lying on her stomach with her high heeled shoe looped into her underpants, pulling them away from her buttocks. She is shown from the neck down.



Image 6 - A woman in black lingerie and thigh high boots lying on her back with her hands near her head.



Image 7 - A woman in black lingerie posed on one knee while rain/water is visible behind her.



Image 8 - A woman in black lingerie reclining.



Image 9 - A woman in black lingerie kneeling with only her lower body visible. She is wearing high heeled shoes and chained wrist cuffs.



Image 10 - Two women shown from the waist up. Both are wearing a brief black bra, and one is pulling the other's strap down.



Image 11 - A woman in brief black lingerie posed with her knees and chest on the ground and her buttocks raised high. She is shown from the upper body down.



Image 12 - A woman in black lingerie standing between the legs of a seated, fully clothed man. Both are shown from the shoulder down. The man is grasping her buttocks and squeezing.



Image 13 - A woman in red lingerie standing next to a red sports car.



Image 14 - Two women in lingerie around a pole. One woman is wearing a g-string and her buttocks are visible.



Image 15 - A woman wearing black lingerie, shown from the waist down. She is posed with her legs spread and her hand cupping her genitals.



Image 16 - Two women in black lingerie. One is shown from the neck down, standing with her leg over the shoulder of the second kneeling woman and a hand on her head. The second woman is depicted with her head between the first woman's legs.



Image 17 - A woman in red lingerie kneeling with only her lower body visible. She is wearing high heeled shoes and chained wrist cuffs.



Image 18 - Two women lying down in lingerie, with one on top of and between the legs of the other.

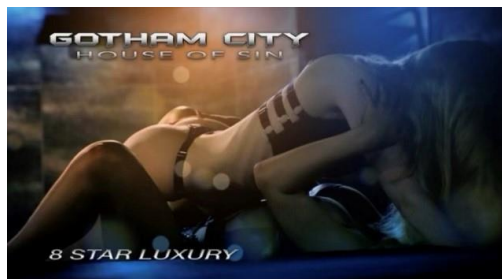


Image 19 - A woman in red lingerie shown from a low angle.



### **THE COMPLAINT**

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

*At 0715 19/10/2023 intersection of Blackburn & Wellington Rd. It was a mobile truck digital billboard with pornographic images changing images every few seconds. No the women were not fully unclothed but basically naked and all shots where highly sexed, one with a woman, legs spread and hands on her genital area. I could not believe what I was seeing. This on public roads, changing images catch your attention, it is how we are wired and also seeking to 'pay attention' on the road. I would hate to think of men, women and children exposed to such degrading material aimed at luring in the lonely and vulnerable. Nothing short of despicable.*

*This was a full screen scrolling video on a truck driving around the streets at 3:30 in the afternoon. I was on a bus with about 40 x 10 year old children at the time coming back from a school excursion. It was basically displaying soft porn images.*

*The images in the ad were pornography and objectification of women. It was on a truck on the road so people of all ages could view it.*

*This explicit digital advertising was on display was in front of us outside Chadstone shopping centre at around 3.30 when schools were finishing. It shows practically naked women in various situations. It was like watching a porn movie in broad daylight.*

*I believe that the content displayed on the billboards is overtly sexual, not appropriate for a broad audience, and raises several issues including sex, sexuality, and nudity.*

## THE ADVERTISER'S RESPONSE

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

*In response to the above complaint, we want to clarify:*

1. *that we have not breached any of the advertising codes. Our business operates as a licenced brothel. We strictly adhere to all the rules and regulations mandated for this industry and we are proud to be an industry leader;*

2. *that we are not are not a member of the Australian advertisers nor do we contribute any levy to Ad Standards.*

*Regarding Section 2 of the AANA Code of Ethics, we would like to address the four parts of Section 2 and explain how our advertising does not violate any of these provisions.*

*2.1 Discrimination or vilification: Our business provides services for individuals of all sexual orientations - bisexual, lesbian, and heterosexual. Our advertising is inclusive and does not portray any group in a negative light. We aim to create a safe and healthy environment for everyone. A vital part of our business is being inclusive and not discriminating or vilifying any groups. This is critical and must be taking into account in this complaint. There is no evidence provided of any discrimination or vilification.*

*2.2 Exploitative or degrading: Our images showcase the individuals who work with us, highlighting their professionalism and expertise. We do not exploit or degrade anyone, all our visuals are relevant to our business and do not objectify individuals. Each and every individual depicted in the advertising have done so with their full consent and support for our business. Our staff are incredibly well looked after and supported and we dispute that they are in any way degraded or exploited. There is no evidence provided of any exploitation or degradation of any of the individuals.*

*2.3 Violence: Our advertisements do not contain any violent content whatsoever. This is outrightly rejected and we take issue with any such allegations. Again, no evidence has been provided of any violence. The Panel must dismiss this complaint.*

*2.4 Sex, Sexuality, and Nudity: Given the very nature of our business, it follows that our product is related to sexual experiences. However, our advertising does not include any nudity or sex. We aim to portray a healthy sexual experience within a safe and legal environment. All our images are directly relevant to the services we offer.*

*Furthermore, the Panel should note that our advertisements are comparable to those of many other businesses in the industry. Additionally, numerous businesses, unrelated to the adult industry, employ sexual imagery to sell their products, such as swimwear, lingerie, feminine hygiene products, and even cars. We have not displayed anything that exceeds the content readily available on platforms like Instagram, Facebook, and other digital media sources. We would otherwise refer to the Panel to the many Community Panel decisions under the 'Sex Industry' category (particularly relating to Billboards) in which most of the complaints have been dismissed.*

*We also make reference to decision of Ad Standards (case number 0177-22) decision which made allegations of breaches of 2.2 and 2.4 of the AANA Code of Ethics. The complaints in case number 0177-22 are identical to the complaints in this matter. The Panel concluded:*

1. Breach of 2.2:

*Does the advertisement use sexual appeal in a manner that is exploitative? The Panel acknowledged that some members of the community would find the type of business with women providing sexual services for men to be exploitative. The Panel noted however, that this type of business is legally allowed to operate in the area and that it could consider only the advertising or promotion of the business that is visible to the broader community not the behaviour or service it is promoting. The Panel considered that there was a focus on the woman's body in the advertisement, however noted that the advertised product is a brothel which features scantily clad and naked women as part of its service. The Panel considered that the image used in the advertisement is clearly related to the product being advertised. The Panel did not consider that the advertisement itself employed sexual appeal in a manner which is exploitative of women.*

*Does the advertisement use sexual appeal in a manner that is degrading? The Panel considered that the depiction of the woman was relevant to the promotion of a gentleman's club and that this did not lower women in character or quality. The Panel considered that the advertisement did not employ sexual appeal in a manner which is degrading to women.*

*Section 2.2 - conclusion Finding that the advertisement did not employ sexual appeal in a manner which is exploitative or degrading of an individual or group of people, the Panel determined that the advertisement did not breach Section 2.2 of the Code.*

2. Breach of 2.4:

*The Panel noted the Practice Note for the Code states: "Images which are not permitted are those which are highly sexually suggestive and inappropriate for the relevant audience. Explicit sexual depictions in marcomms, particularly where the depiction is not relevant to the product or service being advertised, are generally objectionable to the community and will offend Prevailing Community Standards."*

*Does the advertisement contain sex? The Panel considered whether the advertisement contained sex. The Panel noted the dictionary definition of sex most relevant to this section of the Code of Ethics is 'sexual intercourse; sexually stimulating or suggestive behaviour.' (Macquarie Dictionary 2006). The Panel considered that the woman is alone and is not engaging in sexual behaviour. The Panel considered that the advertisement did not contain sex.*

*Does the advertisement contain sexuality? The Panel noted the definition of sexuality includes 'sexual character, the physical fact of being either male or female; the state or fact of being heterosexual, homosexual or bisexual; sexual preference or orientation; one's capacity to experience and express sexual desire; the recognition or emphasising of sexual matters'. The Panel noted that the use of male or female actors in an advertisement is not by itself a depiction of sexuality. The Panel considered that*

*the advertisement is promoting adult sexual services and that the product itself is sexualised. The Panel considered that the advertisement did emphasise sexual matters and does depict sexuality.*

*Does the advertisement contain nudity? The Panel noted that the dictionary definition of nudity includes 'something nude or naked', and that nude and naked are defined to be 'unclothed and includes something 'without clothing or covering'. The Panel noted that the women in the advertisement are depicted in lingerie, and considered that this is a depiction of partial nudity.*

*Are the issues of sexuality and nudity treated with sensitivity to the relevant audience? The Panel considered the meaning of 'sensitive' and noted that the definition of sensitive in this context can be explained as indicating that 'if you are sensitive to other people's needs, problems, or feelings, you show understanding and awareness of them.' (<https://www.collinsdictionary.com/dictionary/english/sensitive>). 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 advertisement is a digital billboard over a roadway and considered that the audience would be broad and would include children. The Panel acknowledged that the sexualised nature of the product itself may not be considered appropriate by people viewing the advertisement and noted that some members of the community would prefer that these types of businesses are not advertised, however considered that advertising them is legal and a promotion of such services is not itself a breach of the Code. The Panel considered that in the instance a child viewed the advertisement, they would be unlikely to understand the sexual nature of the promoted business itself, but rather see a woman in lingerie. The Panel considered that the pose of the woman in the advertisement is not particularly sexualised, with her hands placed near her head, and is not dissimilar to those seen in fashion advertisements. The Panel considered that the advertisement was moderately sexualised, but that the advertisement did treat the issue of sexuality with sensitivity to the relevant audience.*

*Section 2.4 Conclusion The Panel determined the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant broad audience and did not breach Section 2.4 of the Code.*

*The Panel in case number 0177-22 concluded that the advertisements did not breach any other section of the Code, the Panel dismissed the complaints. Again, the complaints against our business in this complaint are identical to the previous decision. The Panel must therefore find that there have been no breaches of the Code.*

## **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 as a whole.

Image 1

The Panel considered that while the woman's buttocks were prominent, the lighting on the image meant that the focus of the image was on the woman's back. The Panel considered that the woman's body language was relaxed and there was not a suggestion that she was an object. The Panel considered that the advertisement did not lower the woman in character or quality.

The Panel considered that image 1 did not employ sexual appeal in a manner which is exploitative or degrading of the woman or women in general.

Image 2

The Panel considered that the depiction of a fully clothed man in juxtaposition to a woman in lingerie was a depiction of a power imbalance between the man and the woman. The Panel considered that his hand on her buttocks, and her depiction without a face added to the overall impression of the advertisement that the woman was a sexual object for the man's enjoyment. The Panel considered that the advertisement depicted the woman as a sexual object, and created an impression that women in general can be treated as sexual objects.

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

### Image 3

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 3 did not employ sexual appeal in a manner which is exploitative or degrading of the woman or women in general.

### Image 4

The Panel considered that this image was highly stylised in a manner similar to a movie poster or album cover. The Panel considered that the woman appears strong and confident, and that there is no particular focus on her body parts. The Panel considered that the woman was not depicted as an object, or lowered in character or quality.

The Panel considered that image 4 did not employ sexual appeal in a manner which is exploitative or degrading of the woman or women in general.

### Image 5

The Panel considered that the woman's body language was relaxed and her action of pulling her underwear with her heel was sexualised, but this action appeared to be the woman's own choice. The Panel considered there was no suggestion anyone else was with the woman. 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 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 6 did not employ sexual appeal in a manner which is exploitative or degrading of the woman or women in general.

### Image 7

The Panel considered that the depiction of the woman was reminiscent of the famous dance scene in the movie 'Flashdance'. The Panel considered that the woman was shown performing and her pose was confident. The Panel considered that the woman was not depicted as an object and there was no focus on her body parts. The Panel considered that the advertisement did not lower the woman in character or quality.

The Panel considered that image 7 did not employ sexual appeal in a manner which is exploitative or degrading of the woman or women in general.

### Image 8

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 8 did not employ sexual appeal in a manner which is exploitative or degrading of the woman or women in general.

### Image 9

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 fists and her restraints are strained and this could be an indication that she had 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, and this created an impression that women in general can be treated as sexual objects.

The Panel considered that image 9 did employ sexual appeal in a manner which is exploitative of the woman and women in general.

### Image 10

A minority of the Panel considered that the advertisement gave the impression that women are sexual objects to be played with.

The majority of 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. The Panel considered that the advertisement did not lower the women in

character or quality.

The Panel considered that image 10 did not employ sexual appeal in a manner which is exploitative or degrading of the two women or women in general.

#### Image 11

The Panel noted that the cropped image did not show the woman's face and the focus of the advertisement was on the woman's buttocks. The Panel considered that advertisement not featuring the woman's face was dehumanising. The Panel considered that this cropped image with the woman posing with her buttocks in the air 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, and this created an impression that women in general can be treated as sexual objects.

The Panel considered that image 11 did employ sexual appeal in a manner which is exploitative of the woman and women in general.

#### Image 12

The Panel considered that the depiction of a fully clothed man in juxtaposition to a woman in lingerie was a depiction of a power imbalance between the man and the woman. The Panel considered that his hands on her buttocks, and her depiction without a face added to the overall impression of the advertisement that the woman was a sexual object for the man's enjoyment. The Panel considered that the advertisement depicted the woman as a sexual object, and this created an impression that women in general can be treated as sexual objects.

The Panel considered that image 12 did employ sexual appeal in a manner which is exploitative of the woman and women in general.

#### Image 13

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 main focus of the image was the car and not the woman's body. The Panel considered that the advertisement did not lower the woman in character or quality.

The Panel considered that image 13 did not employ sexual appeal in a manner which is exploitative or degrading of the woman or women in general.

#### Image 14

The Panel considered the camera angle of the advertisement was voyeuristic and portrayed from the angle of someone looking up at the women and the depiction of women performing for the enjoyment of the person seated below suggested that the

women were objects available for purchase. The Panel considered that the advertisement depicted the woman as a sexual object, and this created an impression that women in general can be treated as sexual objects.

The Panel considered that image 14 did employ sexual appeal in a manner which is exploitative of the woman and women in general.

#### Image 15

The Panel noted that the cropped image did not show the woman's face and the focus of the advertisement was on the woman touching herself. The Panel considered that the advertisement not featuring the woman's face was dehumanising and this 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, and this created an impression that women in general can be treated as sexual objects.

The Panel considered that image 15 did employ sexual appeal in a manner which is exploitative of the woman and women in general.

#### Image 16

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 the advertisement not featuring the women's faces was dehumanising and reduced the sexual act between them as performative and something only done for a viewer's pleasure. The Panel considered that the advertisement depicted the women as a sexual objects, and this created an impression that women in general can be treated as sexual objects.

The Panel considered that image 16 did employ sexual appeal in a manner which is exploitative of the two women and women in general.

#### Image 17

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 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, and this created an impression that women in general can be treated as sexual objects.

The Panel considered that image 17 did employ sexual appeal in a manner which is exploitative of the woman and women in general.

### Image 18

The Panel considered that while the women's body language indicated that they were consensually interacting with each other, their faces were not visible.

A minority of the Panel considered that the interaction between the two women appeared consensual and there was not a suggestion that the women were objects. The minority of the Panel considered that the women in the advertisements may prefer their faces not be visible.

The majority of the Panel considered that advertisement not featuring the women's faces was dehumanising and reduced the sexual act between them as performative and something done for a viewer's pleasure. The Panel considered that the advertisement depicted the women as a sexual objects, and this created an impression that women in general can be treated as sexual objects.

The Panel considered that image 16 did employ sexual appeal in a manner which is exploitative of the two women and women in general.

### Image 19

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 to purchase. 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, and this created an impression that women in general can be treated as sexual objects.

The Panel considered that image 19 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 2, 9, 11, 12, 14, 15, 16, 17, 18, and 19 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 2 and 12 depicted men touching a woman’s buttocks and considered that this is a depiction of people engaged in sexual behaviour.

The Panel considered that images 9 and 17 contained close-up shots of women in restraints, and that this was a suggestive of a person engaged in sexually stimulating behaviour.

The Panel noted that image 10 depicted one woman touching the breast of another woman and considered that this is a depiction of people engaged in sexual behaviour.

The Panel noted that image 15 depicted a woman touching herself in a way suggestive of masturbation and considered that this was a depiction of sexually stimulating behaviour.

The Panel noted that image 16 depicted a woman with her head between another woman’s legs and considered that this was a depiction of sexual intercourse.

The Panel noted that image 18 depicted two women in lingerie embracing, with one on top of the other and considered that this was a depiction of sexually stimulating behaviour.

The Panel considered that images 2, 9, 10, 12, 15, 16, 17, and 18 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 19 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 image 4 depicted a close up of a woman’s mouth, and a woman’s head and shoulder, and considered that this was a depiction which didn’t contain nudity.

The Panel noted that the other images depicted women seemingly naked or 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 noted that this advertisement depicted an apparently naked woman lying on her stomach. The Panel considered that although her buttocks were shadowed, they were prominent and the woman’s silhouette and nudity were clear. 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 1 did not treat the issues of sexuality and nudity with sensitivity to the relevant audience.

#### Image 2

The Panel considered that the depiction of the man cupping the woman's buttocks was highly suggestive of sexualised activity and was overtly sexual. 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 2 did not treat the issues of sex, sexuality and nudity with sensitivity to the relevant audience.

#### Image 3

The Panel considered that although the woman had a large amount of cleavage visible, she 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 4

The Panel considered that this image was highly stylised in a manner similar to a movie poster or album cover. The Panel considered that while there was some sexuality in the advertisement, primarily due to it being an ad for a brothel, the image itself was not inappropriate for the relevant broad audience of daytime Melbourne pedestrians and road-users.

The Panel considered that image 4 did treat the issues of sexuality with sensitivity to the relevant audience.

#### Image 5

The Panel noted the woman's action of pulling her underwear away from her body was overtly sexual. The Panel considered that this level of nudity and sexuality was not appropriate for the relevant broad audience of daytime Melbourne pedestrians and road-users.

The Panel considered that image 5 did not treat the issues of sexuality and nudity with

sensitivity to the relevant audience.

#### Image 6

The Panel considered that although the woman appeared to be wearing a g-string, the position of her leg meant that her genitals were fully covered. 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 6 did treat the issues of sexuality and nudity with sensitivity to the relevant audience.

#### Image 7

The Panel considered that this image was highly stylised in a manner similar to a scene from the movie 'Flashdance'. The Panel considered that while there was some sexuality in the advertisement primarily due to it being an ad for a brothel, the image itself was not inappropriate for the relevant broad audience of daytime Melbourne pedestrians and road-users.

The Panel considered that image 7 did treat the issues of sexuality and nudity with sensitivity to the relevant audience.

#### Image 8

The Panel considered that although the woman appeared to be wearing a g-string, the position of her leg meant that her genitals were fully covered. 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 8 did treat the issues of sexuality and nudity with sensitivity to the relevant audience.

#### Image 9

The Panel considered that the depiction of the woman in lingerie being restrained was highly suggestive of sexual activity. 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 9 did not treat the issues of sex, sexuality and nudity with sensitivity to the relevant audience.

#### Image 10

The Panel considered that the advertisement was highly suggestive of 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 10 did not treat the issues of sex, sexuality and nudity with sensitivity to the relevant audience.

#### Image 11

The Panel considered that the depiction of the woman posed with her head down and her buttocks in the air 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 11 did not treat the issues of sexuality and nudity with sensitivity to the relevant audience.

#### Image 12

The Panel considered that the depiction of the man grabbing the woman's buttocks was highly suggestive of sexual activity and 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 12 did not treat the issues of sex, sexuality and nudity with sensitivity to the relevant audience.

#### Image 13

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 13 did treat the issues of sexuality and nudity with sensitivity to the relevant audience.

#### Image 14

The Panel considered that the lighting and angle of the image meant that the focus was on the woman's buttocks. The Panel considered that the advertisement featured a high level of nudity. The Panel also noted the women's depiction as objects 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 14 did not treat the issues of sex, sexuality and nudity with sensitivity to the relevant audience.

#### Image 15

The Panel considered that the depiction of the woman touching herself was suggestive of sexual 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 15 did not treat the issues of sex, sexuality and nudity with sensitivity to the relevant audience.

#### Image 16

The Panel considered that the depiction was suggestive of oral sex 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 16 did not treat the issues of sex, sexuality and nudity with sensitivity to the relevant audience.

#### Image 17

The Panel considered that the depiction of the woman in lingerie being restrained was suggestive of 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.

#### Image 18

The Panel considered that the depiction was suggestive of 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 19

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 19 did not treat the issues of 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, 5, 9, 10, 11, 12, 14, 15, 16, 17, 18, and 19 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**

We will begin to modify the images, that have been deemed to breach the code.