

Case Report

1. Case Number :	0101-25
2. Advertiser :	Falvey's Hotel Yamanto
3. Product :	Bars/Clubs
4. Type of Advertisement/Media :	Internet - Social - Facebook
5. Date of Decision:	7-May-2025
6. Decision:	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.2 Exploitative or Degrading
AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This Facebook post on the Falvey's Nightclub page features two images promoting their back to school party. The images include information on the event and women dressed in tartan skirts, bras and white shirts.



THE COMPLAINT

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

The ad portrays schoolgirls in a sexualised fashion. In sexualising underage girls the image suggests that minors/children are objects of sexual desire for men, and contributes to harmful stereotypes that put girls at risk of harassment and abuse.

THE ADVERTISER'S RESPONSE

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

We will not be taking any action in regard to these frivolous complaints; our pages are restricted to audiences 18+. One can only assume this is an attempt to weaponize Ad Standards after failed attempts by action groups to cancel our recent Playboy Bunny themed event. I support Ad Standards in their work where there are legitimate grounds for complaint; this is not it. We will not be providing further comment or information on either of these matters.

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 complainant's concern that the advertisement sexualises schoolgirls.

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

Section 2.2: Advertising shall 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 the Practice Note to Section 2.2 states:

"For material to breach this section of the Code, it must contain sexual appeal. Models in underwear or lingerie surrounded by or next to fully clothed models may suggest a power imbalance and be found to be exploitative or degrading. Material can be found to be exploitative or degrading even where the model is looking confident where the model is being depicted as a product or commodity or the focus on body parts is not relevant to the product or service being advertised. Advertising which used sexual appeal and suggests that a person is a product, or that they exist only for the enjoyment of others has

been found to breach this section of the Code. Likewise, advertising which uses attractive models in revealing clothing, where the use of the model is not relevant to the product, has been found to be exploitative.”

Does the advertisement use sexual appeal?

The Panel noted that these images included women in revealing outfits and considered that this contained sexual appeal.

Does the advertisement use sexual appeal in a manner that is exploitative?

The Panel acknowledged that the depiction of women in school uniforms drew attention to their bodies. However, the Panel considered that portrayal was relevant to the promotion of a back-to-school themed event at the nightclub and likely reflective of the types of costumes attendees might wear. The Panel noted that the women were not in highly sexualised poses, and that their depiction was intended to promote the event’s theme rather than suggesting they were objects or commodities.

The Panel considered that the advertisement did not depict the women in a manner which is exploitative.

Does the advertisement use sexual appeal in a manner that is degrading?

The Panel considered that the depiction of the women was relevant to the promotion of the event and did not lower the 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

The Panel concluded that the advertisement did not 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 depictions where the depiction is not relevant to the product or service being advertised are likely to offend Prevailing Community Standards and be unacceptable.

Models who appear to be minors should not be used in sexual poses.”

Does the advertisement contain sex?

The Panel considered whether the advertisement contained a depiction of 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 considered that the women were not engaged in sexualised behaviour. The Panel considered that the advertisement did not 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 considered that the women were posed in sexualised versions of school uniforms and regarded this is a depiction of 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 considered that the women are wearing revealing outfits which displayed some buttocks and cleavage and considered that this constituted partial nudity.

Are the issues of 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 noted that assessing whether sexual suggestion is ‘sensitive to the relevant audience’ requires consideration of who the relevant audience is and how they are likely to react to or feel about the advertisement.

The Panel noted that this post appeared on the advertiser’s Facebook page, and the audience would be followers of that page. The Panel noted the page is restricted to users over 18.

The Panel considered that many people who attend nightclubs are young adults that may also be students and that themed nights at nightclubs are common. The Panel considered depiction of the women in school uniforms is relevant to the event’s back-

to-school theme and that the sexuality and nudity in this advertisement was treated with sensitivity to the relevant audience of adult followers of the venue's Facebook page.

Section 2.4 conclusion

The Panel found that the advertisement did not breach Section 2.4 of the Code.

Conclusion

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.