



## **CASE REPORT**

- |                               |   |
|-------------------------------|---|
| 1. Complaint reference number | 503/09  |
| 2. Advertiser                 | SEXPO   |
| 3. Product                    | Sex Industry                                    |
| 4. Type of advertisement      | Outdoor   |
| 5. Nature of complaint        | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination      | Wednesday, 9 December 2009                      |
| 7. DETERMINATION              | Dismissed                                       |

## **DESCRIPTION OF THE ADVERTISEMENT**

This outdoor advertisement depicts a blonde female wearing a red bikini/bra top and a man with no top on and another female with smokey eyes, to the side. The advertisement is for the SEXPO lifestyle expo during October/November.

## **THE COMPLAINT**

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

*I object to the Ad as it is advertising an event that is open to over 18 years old but the advertisement was run before 7.30am advertising the exhibition. eg "Come and see the Sexpo girls" etc.*

*It is not an appropriate advertisement for children and was shown at a time when children would normally be viewing tv. Given it the exhibition is only for over 18 surely it is more appropriate to show the advt at a later time.*

*This ad is inappropriate for public viewing as it suggests that sexual behaviour is to be defined by pornography and the sex industry.*

*This is damaging to women, as it promotes an unhealthy and unrealistic body image, and dangerous sexual practices. It is damaging to men as it encourages men to see women as mere sexual playthings.*

*In a year when the Australian community has been outraged by NRL players' abusive sexual practices, surely the prominent, outdoor advertising of an event which encourages women to be viewed as objects for men's sexual pleasure must be prohibited.*

*I object to this advertisement given that it is broadcast 24/7 to anyone, which includes children in the car.*

## **THE ADVERTISER'S RESPONSE**

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

*The Sexpo is a registered trademark for over 13 years. Having reviewed the Section 2 of the AANA Advertiser Code of Ethics and taken advise on this matter, we feel we are well within the parameters of code. The advertisements in question are in no way designed to be offensive, nor provoking a negative response from the majority of the Victorian community. Overall, the advertisements have been in place for 2 weeks and we feel that having received only a few negative replies does not represent the views of the community.*

*The CAD approval numbers for the advertising are listed below.*

SMELB091 Cad No: PR9AIEOA  
SMELB092 Cad No: PR9AJEOA  
SMELB093 Cad No: MR9AKEOA

*I would be happy to discuss this with you in greater detail, or contact the individuals below to discuss their concerns and their viewpoints.*

## **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 complainants concern that the image of a woman covering her breasts is inappropriate for the Billboard. In regard to the advertisement's portrayal of sex, sexuality and nudity under Section 2.3, the Board noted that the woman is wearing a top and that the man's chest is bare. The Board considered that the image was mildly sexualised and that the references to Sexpo are sexually suggestive text.

The Board noted that it had previously considered advertisements featuring scantily clad women and that the use of such images has at times been a divisive issue for the community. The Board noted that this advertisement is for a sex related product - a Sex expo - and that a mildly sexually suggestive image of a woman is relevant to that product or service. The Board noted that the relevance of the image to the product or service advertised is relevant in determining whether the advertisement treats sex, sexuality or nudity with sensitivity to the relevant audience.

The Board noted that the advertisement is on a billboard and is therefore available for viewing by a broad audience. The Board considered that some reasonable people would find the portrayal to be unacceptable but considered that the image is relatively discrete (the woman's breasts are mostly covered), the advertisement is only mildly sexually suggestive, and the image is relevant to the products advertised. On this basis the Board determined that the advertisement did depict sexuality with sensitivity to the relevant audience and that it did not breach section 2.3 of the Code.

The Board also considered whether the advertisement discriminated against or vilified women or men. The Board considered that this image, although objectifying the woman and man, was not demeaning. On this basis the Board determined that the advertisement did not breach section 2.1 of the Code.

The Board considered that the use of the word 'Sexpo' in the Billboard was relevant to the product advertised. The Board determined that the word 'sex', although part of the name of the product, was not of itself offensive and in the context of the name of the product was not offensive or obscene. The Board determined that the advertisement did not breach section 2.5 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.