



## CASE REPORT

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| 1. Complaint reference number | 534/09  |
| 2. Advertiser                 | SEXPO   |
| 3. Product                    | Professional Services                           |
| 4. Type of advertisement      | TV  |
| 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 television advertisement for Sexpo shows a number of views of the various activities at the Sexpo – women pole dancing, men partially undressing, women dancing in bikinis and underwear, people enjoying “adult” entertainment. A male voiceover states that at the Sexpo it is possible to “see the bad boys, ride the gerbil, see legendary adult stars and the amazing Sexpo showgirls, win a trip to the Ashes in London with Harmony Sexpo Cricket”. A superscript offers “free ‘love rocket’ on entry”. The advertisement concludes with two women inviting viewers to join them at Sexpo and they are about to kiss when the final graphic appears. This graphic shows a woman whose naked breasts are covered by the words “free ‘love rocket’ on entry” and the Sexpo logo and information about times, dates and entry requirements also appear in the graphic.

## THE COMPLAINT

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

*I wish to draw your attention to the current advertisement for SEXPO. This ad is sexually explicit and pornographic and in my opinion entirely unsuitable for the afternoon and early evening time slot.*

*Please review this as a matter of urgency as I am deeply concerned for the influence this is having on families of young children and I find it extremely offensive.*

*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 advt 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.*

*I find this kind of advertising borderline pornographic, degrading to women and vulgar in presentation and shows a complete lack of regard for children and teenagers who are often still viewing at this time of night and should not be exposed to this kind of suggestive and X-rated material.*

*To be accosted with this kind of sleazy ad while trying to enjoy a favourite show at primetime in the evening is completely offensive.*

*An ad advertising sexually explicit activities and lifestyles has NO place on free to air TV! This ad is offensive in EVERY way and should NOT be shown on mainstream channels, particularly in regards to it being seen by underage viewers, who should never be exposed this kind of degrading imagery and X-rated material !! Let alone adults who do NOT wish to view it either.*

*DISGUSTING!!!!*

## **THE ADVERTISER'S RESPONSE**

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

*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.*

## **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 that the complainants concern that the advertisement is inappropriate for the advertisement to be shown during the day. In regard to the advertisement's portrayal of sex, sexuality and nudity under Section 2.3, the Board noted that the advertisement depicts a number of images of woman in lingerie in various poses or dancing and some images of male performers without shirts on. The Board considered that the images are 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 mildly sexually suggestive images of both women and men are 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 television and that it has received an M rating by CAD.

The Board noted that the television advertisement is shown during appropriate timezones for M classified material. The Board considered that some people would find the images in the advertisement unacceptable but considered that the images are relatively discrete, mildly sexually suggestive, and the images are relevant to the product 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. The Board considered that this image, although potentially objectifying some woman, was not demeaning.

On this basis the Board determined that the advertisement did not breach section 2.1 of the Code.

The Board noted the final scene in the advertisement which depicts two women leaning in toward each other. The Board considered that this image is suggestive of kissing but that there is no actual kissing depicted. The Board considered that this image was not insensitive to the relevant audience.

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