



Case Report

1	Case Number	0185/17
2	Advertiser	Sexpo Pty Ltd
3	Product	Sex Industry
4	Type of Advertisement / media	Transport
5	Date of Determination	26/04/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

This transport advertisement features a woman about to kiss a robot and the words 'feel the future'.

THE COMPLAINT

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

I am offended by seeing this as it made me feel uncomfortable and inappropriate for me as a 10 yr old to see in large print, I am worried about other kids like me too. There is no need to advertise on the side of a bus as this is a yearly event.

THE ADVERTISER'S RESPONSE

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

We refer to complaint reference number 0185/17

The SEXPO trademark is a registered trademark worldwide. It represents a consumer exhibition held in Australia at various capital cities, serving the adult lifestyle industry.

As part of our pre-marketing program, we source, secure and promote advertising opportunities via a variety of mediums, including but not limited to bus billboards which travel along various routes in the relevant host capital city.

As we understand it, the complaint received was made in regards to a bus billboard cited in transit, on the Corner of Marmion and Whitfords Ave, Perth.

Over 30 of these buses have been hired by SEXPO in advance of SEXPO's Perth 2017 event. On some buses, the image is placed on the rear panel, on other buses; the image is placed on the sides (what's known as either showcase or portrait style branding). The bus advertising in question contains imagery and text associated with the theme of the Perth event, which is "feel the future," that we believe, are appropriate for its use.

Furthermore, the approval process for bus billboard advertising includes a set of prohibitions based on a contractual agreement between the agent, and the owner of the buses.

Regardless of the prohibitions, as part of the artwork process for approvals, the agent requires a copy of the artwork which is assessed through their campaign delivery team to ensure nothing offensive is placed in the ad, and that each of the criteria that is set for that bus network is met.

As you can see from the attached original artwork, there is nothing overtly suggestive about the content. We do not believe the advertisement contains content that would render it in breach of Section 2.4 of the AANA code.

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 concerns that the advertisement was offensive and not appropriate to be seen by children.

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

The Board 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 this transport advertisement featured a woman about to kiss a robot. The text reads, "Feel the future at Sexpo. Health, Sexuality & Lifestyle Expo. May 5-7 Perth Convention and exhibition Centre."

The Board noted it had previously considered the same image on a billboard in case 0522/16.

In that case, the Board noted that "...the name of the event, is written in large letters at the top of the billboard, but considered that consistent with its previous determinations the use of the word 'sex' and the use of 'Health, Sexuality & Lifestyle Expo' as part of the event's name and description is not of itself inappropriate."

Similarly in the current advertisement, the Board noted that the use of the name of the event, written in large letters at the top of the advertisement and the inclusion of the word 'sex' and 'Health, Sexuality & Lifestyle Expo' as part of the event's name and description is not of itself inappropriate.

The Board noted that only the heads of the woman and robot are shown and that there is no nudity.

The Board noted that the advertisement does not depict actual kissing but rather a woman about to kiss a robot and considered that while the image is sexualised this suggestion is not explicit and is not inappropriate for a broad audience.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and did not breach Section 2.4 of the Code.

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