



Case Report

1	Case Number	0217/10
2	Advertiser	Sexpo Pty Ltd
3	Product	Sex Industry
4	Type of Advertisement / media	Transport
5	Date of Determination	25/06/2010 2:50:27 PM
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience

DESCRIPTION OF THE ADVERTISEMENT

Image on bus includes 3 women posing seductively in pink bikini's and a muscular male in red underwear also. One of the women has her thumb hooked into the front of her bikini bottoms pulling them down slightly and another with her thumbs hooked into both sides of the bikini pants.

THE COMPLAINT

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

It is pornographic. There is no other word for it. The advertisement is also on buses so pornographic material is being advertised to the South Australian community. This type of material should not be advertised in the community but in material that suits this type of audience. It very inappropriate especially with the rising crime rate related to sex crimes. It absolutely turns my stomach and I believe the regulators who decide what material is advertised in the community need to be more thoughtful of what our young children are being exposed too.

THE ADVERTISER'S RESPONSE

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

In reference to the complaints received by your organisation relating to the billboards advertising our event, I would like to state Sexpo's position;

- Sexpo is a registered trademark for over 14 years. We have advertised throughout Australia via outdoor billboards for the duration of the 14 years with minimal complaints.*
 - The advertisement in question features 3 women dressed in bikini bathers standing in non provocative poses*
 - 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 advertisement in question are in no way designed to be offensive, nor provoking a negative response from the majority of the Adelaide community*
 - Overall, the advertisements have been in place for 4 weeks and we feel that having received only 2 negative replies does not represent the views of the community.*
- As Operations Manager of Sexpo Australia, we take all feedback very seriously. 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 the complainants' concern that the image is pornographic and unsuitable for viewing by children.

The Board noted that the product advertised is a sex related exhibition and that such exhibitions are allowed to be advertised provided that they treat sex, sexuality and nudity with sensitivity to the relevant audience in accordance with Section 2.3 of the Code. In regard to the advertisement's portrayal of sex, sexuality and nudity under Section 2.3, the Board noted that the women are wearing bikinis and that the man's chest is bare. The Board also noted that the woman in the foreground of the billboard has one finger in the top of her bikini bottoms pulling the pants away from her body and that the woman behind her has her hands pulling her bikini bottoms down slightly. 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 advertisement is on public transport and is therefore available for viewing by a broad audience. The Board considered that the images in the advertisement are sexually suggestive but considered that the image of the woman in the foreground with her finger in her bikini bottom was highly sexualised and that the image of the woman with both hands pulling at her bottoms was also overtly sexually suggestive. The Board considered that the advertisement was inappropriate as it did not treat sexuality with sensitivity to the

relevant broad audience. The Board determined that the advertisement did not treat sex, sexuality and nudity with sensitivity to the relevant audience and that the advertisement breached 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 women 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.

The Board determined that the advertisement breached Section 2.3 of the Code and upheld the complaints.

ADVERTISER RESPONSE TO DETERMINATION

Following the decision of the Advertising Standards Bureau case 0217/10, Sexpo can confirm all advertising has been removed from public viewing.

Whilst Sexpo strives to work with the ASB, work within the guidelines and frameworks set out in the act, and always takes all complaints and issues very seriously, we strongly maintain that our adverts are not offensive to the majority of the community.