



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0228/16</b>
<b>2</b>	<b>Advertiser</b>	<b>Sexpo Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>Sex Industry</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>25/05/2016</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

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

## DESCRIPTION OF THE ADVERTISEMENT

The television advertisement shows a series of shots from the Expo - people in sparkling costumes, people walking around the expo and watching performances and people on stage performing in full costumes.

## THE COMPLAINT

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

*This sort of material is inappropriate and highly offensive, particularly at this time of afternoon.*

*I disagree with these events as a whole but unfortunately most people in society would disagree with me. However, I was most offended by the timing of the commercial during Mythbusters - a science, mostly family orientated show. This was a disgraceful effort to cater to the lowest common denominator of men/teenage boys by enticing them with such an event. My young son and I were watching the show since we enjoy it together by learning more about Science and this disgraceful ad came on in the middle of it. A prime example of how irresponsible television stations are.*

## 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 0228/16.*

*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 television, in the relevant host capital city.*

*As we understand it, the complaint received was made in regards to a TV advertisement on 7Mate, on Thursday May 5, 2016 @ 7.18 PM.*

*The TVC was reviewed by CAD and classified as follows:*

*Key Number - SEX2016SYD15; CAD Number - J2YT5EOA; Product Description - SEXPO SYDNEY 2016 - MOORE PARK; DUR -15; Rated - J \*\*May be broadcast at any time of day, except during P (Preschool) or C (Children's) programs or adjacent to P or C periods. Exercise care when placing in programs principally directed to children\*\**

*We do not believe the advertisement contains content that would render it in breach of Section 2.4 of the AANA code. Please do not hesitate to contact me for more information.*

## **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 entices men and teenage boys to a sex/erotica products expo, whilst watching a family show.

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 the advertisement was to promote the Sydney Sexpo Carnivale which was held between the 12 and 15 May 2016. 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 it had previously dismissed complaints about advertisements for Sexpo (case 0331/12 and 0500/12) and considered that the current advertisement was of a similar level of content.

The Board noted that the name of the event, Carnivale Sexpo, is written in large letters across the centre of the screen at the commencement of the advertisement and at the end. There are a series of scenes from shows but the Board considered that these did not show any explicit sexualised images.

The Board acknowledged that some members of the community would prefer that this type of event not be advertised but considered that consistent with its determination in Case 0198/16, the use of the word 'sex' as part of the event's name is not in itself inappropriate.

The Board noted the advertiser's response that the advertisement was classified with a "J" rating and only appears in the appropriate timeslots for the rating given. In the Board's view the relatively mild content of the advertisement is not inappropriate for the rating it was given or the placement. The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

The Board determined that the advertisement 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.