



## Case Report

1	Case Number	0231/10
2	Advertiser	Sexpo Pty Ltd
3	Product	Sex Industry
4	Type of Advertisement / media	TV
5	Date of Determination	09/06/2010
6	DETERMINATION	Dismissed

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

Advertisement for exhibition from May 14-16 has voiceover throughout explaining the events and what can be seen and bought at the Sexpo convention. The ad includes images of the performers, and the celebrities that will be in attendance such as Warwick Capper. Ad concludes with still image of 3 girls in pink bikinis and male model in his underwear.

### THE COMPLAINT

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

*Using nearly naked large breasted women during a family time slot i.e. before 9:30pm or at any time is offensive and embarrassing for my teenage children (both male and female). I don't think that sexpo should be advertised at all using pictures but it definitely should not be on the TV screens before 9:30pm during fairly harmless and what I would consider family shows. I can't wait for sexpo to be over and we can stop seeing these offensive ads.*

*I know the organisers of this event will say that I am old fashioned and to get with the program. I would argue that the majority of parents do not like this kind of advertising and turn to another station when it comes on the TV.*

*I have teen age children that do not need to hear about the sexpo neither do they need to see the half dressed people or the activities they were promoting. If we sit down as a family to watch what I call a family show we should not be bombarded with adult images. This sort of advertising shouldn't be on TV but if it is it should be on at least after 9.30.*

## **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.*

*The advertisement in question was given a PG rating and features no offensive or harmful material*

*Having reviewed the Section 2 of the AANA Advertiser Code of Ethics and taken advice on this matter, we feel we are well within the parameters of the code.*

*The advertisement in question is 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 1 negative reply does not represent the views of the community.*

## **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' concerns that the overtly sexualised depiction of scantily clad women is offensive and inappropriate to be viewed by children.

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

The Board considered whether the advertisement was in breach of section 2.3 of the Code. Section 2.3 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone".

The Board noted that the advertisement was to promote the Adelaide Sexpo which was held from 14-16 May 2010. The Board agreed that some members of the community may be offended by the depiction of the scantily clad women and men in a variety of poses or dancing together in the advertisement but considered that the advertisement was mildly sexualised and could have been advertising a fitness expo or gymnasium.

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 considered 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 television advertisement received a PG rating by CAD and noted it was shown during appropriate timezones for PG 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.

The Board also noted the end image was the same content as Case Numbers 216/10 (Billboard) and 217/10 (Transport) but considered, as it was a relatively minor part of the advertisement and on a smaller screen, it has less impact and was not inappropriate for the likely audience.

On this basis the Board determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and that it did not breach section 2.3 of the Code.

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