



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0419-19
2. Advertiser :	Sexpo
3. Product :	Sex Industry
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	11-Dec-2019
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.2 Exploitative or Degrading
AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This television advertisement featuring well-known TV chef Ian Hewitson (Huey) presents as a TV show called "Cooking with Huey" in which he begins speaking about an event called "Mexpo". Halfway through he is interrupted by a man who advises him that the event is "Sexpo" and the camera pans to three women in aprons who wave to Huey. The advertisement ends with Huey stating "Well, I guess it's still pretty spicy" and his eye twinkling.

THE COMPLAINT

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

Children are interested in the Mexican food promotion which is how the ad starts and are then left watching a sexpo ad at 645pm at night

This advertisement is degrading to women. I am currently teaching my 6yo daughter how to cook and bake. I helped recently at my nephews school in the Stephanie Alexander garden/kitchen program teaching both boys and girls to cook. Using Ian Hewitson and a cooking segment to then advertise sexpo, where the women are



presented as sexual objects in the kitchen goes against the standards of our society. It is unacceptable, misogynistic and degrading.

The ad seems harmless enough to some people, but this ad placement was entirely inappropriate considering the channel 10 program and the time of the night. The channel 10 management, and the Sexpo organisers know perfectly well that a very large number of young children and teenagers watch "The Amazing Race", and so it is very sneaky to slip that sort of ad at that particular time. I actually had an 8 year old watching that with me.

The Sexpo organisers are very clearly going for the youngest demographic target market as they are allowed to go for. This is not acceptable. Advertising what is essentially a sex industry event to minors is extremely inappropriate, and hence my formal complaint I believe is strongly warranted. In my opinion these sorts of ads should only be allowed past 9:30pm.

I have no objection to SEXPO (and I have been to the event before.) But the ad objectifies women. The ad showed Iain "Huey" Hewitson cooking, then the camera moves to three young women in underwear and aprons, who all say suggestively and in unison "Oh Huey...".

THE ADVERTISER'S RESPONSE

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

In response to complaints (2.1, - 2.7) made from the "Cooking with Huey" commercial shot for free to air TVC advertising Australian Exhibition Groups National event Sexpo we understand the content and feel that we have not broken any codes. The commercial was submitted to 3 networks and rated and placed where appropriate.

THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants' concerns that the advertisement was objectifying of women and inappropriate for display where children may view it.

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

The Panel noted that Section 2.2 of the Code states: "Advertising or marketing communications should not employ sexual appeal: (a) where images of Minors, or people who appear to be Minors, are used; or (b) in a manner which is exploitative or degrading of any individual or group of people."



The Panel noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:

“Exploitative - means (a) taking advantage of the sexual appeal of a person, or group of people, by depicting them as objects or commodities; or (b) focussing on their body parts where this bears no direct relevance to the product or service being advertised.

Degrading – lowering in character or quality a person or group of people.”

The Panel noted that the advertised product is a sex exposition, and it was reasonable for the advertiser to depict the type of performers one could expect to see at the event, provided that in doing so it meets the provisions of the Code.

The Panel first considered whether the advertisement used sexual appeal.

The Panel considered that the women in the advertisement were well covered by their aprons, however noted that the women appeared to be wearing bikinis under the aprons. The Panel noted that some members of the community would consider a depiction of women in clothing that was not traditionally kitchen appropriate to be a depiction of sexual appeal.

The Panel then considered whether the advertisement used sexual appeal in a manner that was exploitative of an individual or group of people.

The Panel noted that the women in the advertisement are buxom, but considered that there are no close up scenes of the women and there is no gratuitous focus on the women’s bodies. The Panel considered that the women in the advertisement are depicted in a manner that shows them being out of context in the kitchen as it is clear that they are sexpo models. However they are depicted promoting sexpo and while wearing kitchen aprons over lingerie or swimwear is not usual, in the context of the advertisement it is not exploitative or degrading.

The Panel considered that there was no depiction of the women in a manner that is exploitative or degrading.

The Panel determined that the advertisement did not employ sexual appeal in a manner that is exploitative or degrading of any person or group of people and therefore did not breach Section 2.2 of the Code.

The Panel then 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 Panel considered whether the advertisement contained sex, sexuality or nudity.

The Panel noted the Practice Note for the Code states:



“Images which are not permitted are those which are highly sexually suggestive and inappropriate for the relevant audience. Explicit sexual depictions in marcomms, particularly where the depiction is not relevant to the product or service being advertised, are generally objectionable to the community and will offend Prevailing Community Standards.”

The Panel considered whether the image depicted sex. The Panel noted the dictionary definition of sex most relevant to this section of the Code of Ethics is ‘sexual intercourse; sexually stimulating or suggestive behaviour.’ (Macquarie Dictionary 2006).

The Panel considered that the depiction of women in swimwear and aprons is not of itself a depiction of sexual intercourse, sexual stimulation or suggestive behaviour. The Panel considered that the advertisement as a whole did not contain sex.

The Panel considered whether the advertisement depicted sexuality.

The Panel noted the definition of sexuality includes ‘sexual character, the physical fact of being either male or female; The state or fact of being heterosexual, homosexual or bisexual; sexual preference or orientation; one’s capacity to experience and express sexual desire; the recognition or emphasising of sexual matters’. The Panel noted that the use of male or female actors in an advertisement is not of itself a depiction of sexuality.

The Panel considered that the women in the advertisement were well covered by their aprons, however noted that some members of the community would consider a depiction of women in bikinis and aprons to be sexualised. The Panel considered that most members of the community would consider an advertisement for a sex exposition to be a reference to sexuality.

The Panel considered whether the advertisement contained nudity and noted that the dictionary definition of nudity includes ‘something nude or naked’, and that nude and naked are defined to be ‘unclothed and includes something ‘without clothing or covering’. The Panel considered that the Code is intended for the Panel to consider the concept of nudity, and that partial nudity is factor when considering whether an advertisement firstly contains nudity and secondly treats that nudity with sensitivity to the relevant audience.

The Panel noted that the women in the advertisement are wearing bikinis and aprons and fully covered. The Panel considered that most members of the community would not consider the women in the advertisement to be nude.

The Panel then considered whether the issue of sexuality was treated with sensitivity to the relevant audience.

The Panel considered the meaning of ‘sensitive’ and noted that the definition of sensitive in this context can be explained as indicating that ‘if you are sensitive to



other people's needs, problems, or feelings, you show understanding and awareness of them.' (<https://www.collinsdictionary.com/dictionary/english/sensitive>)

The Panel considered that the requirement to consider whether sexual suggestion is 'sensitive to the relevant audience' is a concept requiring them to consider who the relevant audience is and to have an understanding of how they might react to or feel about the advertisement – the concept of how subtle sexual suggestion is or might be relevant to the Panel considering how children, and other sections of the community, might consider the advertisement.

The Panel noted that this advertisement received a P rating from ClearAds which means it may be broadcast at any time of day, except during P and C programs or adjacent to P or C periods (<https://www.clearads.com.au/wp-content/uploads/2019/09/clearads-handbook-version-ca12.pdf>).

The Panel 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 Panel noted that it had previously dismissed complaints about advertisements for Sexpo (case 0545-17, 0279-18, 0360-18) and considered that the content of the current advertisement was of a similar level.

The Panel considered that the content of the advertisement was not sexually explicit, there was no nudity, and overall the issues of sex and products relating to the sex industry are treated with sensitivity to the relevant broad audience.

The Panel acknowledged that some members of the community would prefer that this type of event not be advertised on television where children can view it, but considered that the actual content of the advertisement is not sexually explicit and does not show images of scantily clad women or close ups of products available for purchase. Overall the Panel considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which would include children.

The Panel determined the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant broad audience and did not breach Section 2.4 of the Code.

Finding that the advertisement did not breach any other section of the Code, the Panel dismissed the complaints. |