



Case Report

1	Case Number	0452/15
2	Advertiser	Sexpo Pty Ltd
3	Product	Sex Industry
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	25/11/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement for Sexpo is promoting the Melbourne venue and features footage from previous Sexpo events including stage performers, special guests and crowd scenes.

THE COMPLAINT

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

It is unacceptable for this type of ad to be played at this time of night.

8.00pm at night during a family tv show (The Block) is not appropriate for this type of advertising.

Inappropriate to air an advertisement for Sexpo during a movie which appeals to children and where large numbers of kids would be watching.

THE ADVERTISER'S RESPONSE

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

The Sexpo™ trademark is a registered trademark worldwide. It represents an 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.

As we understand it, the complaint received was made in regards to our television commercial, aired in Melbourne at 9.35 PM (October 31, 2015) on Prime7.

The advertisement in question was factored by CAD and classified a PG rating, and was therefore eligible for the time slot in which it aired.

We do not believe the advertisement contained content that would have rendered it in breach of Section 2 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 complainants’ concerns that the advertisement features sexual content which is inappropriate for airing when children can view it.

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

The Board 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 Board noted this television advertisement features footage filmed at previous Sexpo events including stage show performers and crowd scenes.

The Board noted the advertisement has been rated ‘PG’ by CAD.

The Board noted the name of the advertised event is ‘Sexpo’ and considered that the use of the word ‘sex’ is not of itself inappropriate. The Board noted that some members of the community would prefer that this type of event not be advertised but considered that the actual content of the advertisement did not feature any explicit nudity and that whilst some of the stage performers were performing sexually suggestive dances they were not inappropriate in the context of brief scenes within a PG rated advertisement.

The Board noted it had previously dismissed complaints about similar television advertisements for the same advertiser in cases 0331/12, 0500/12, 0109/13, 0183/14 and 0247/15 and considered that the current advertisement contained a similar level of content.

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 complaints.