



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0484/10</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</b>
<b>5</b>	<b>Date of Determination</b>	<b>08/12/2010</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

Various people are shown saying they are 'coming' and then a presenter says he will be there too, and we see the Sexpo logo. We then see clips of various performers at Sexpo along with images and descriptions of what can be seen and bought at the Sexpo Melbourne in November 2010.

### THE COMPLAINT

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

*I think that this sort of advert (if it is on TV at all) should not be on TV on a Sunday afternoon but at a much later time.*

*In the middle of our family movie Prince Caspian Narnia the ad came out and said "Are you coming?" and other filthy content.*

*The main part of the advertisement I found offensive were all the presenters going out of their way to emphasize the word coming (cumming) which i found to be totally inappropriate for that time of the evening.*

### THE ADVERTISER'S RESPONSE

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

*The advertisement in question was factored by CAD and given a PG rating and was eligible for that time slot.*

*I do not believe the ad or time slot breaches the advertising code of ethics in any way.*

## **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 was inappropriately placed during a family viewing time and that the emphasis on the word ‘coming’ was inappropriate.

The Board reviewed 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 the advertiser’s response that the advertisement complied with Commercial Television Industry Code of Practice and the advertisement was classified with a ‘PG’ rating and only appears in the appropriate timeslots for the rating given.

The Board noted that the advertisement was to promote the Melbourne Sexpo which was held from 25-28 November 2010. The Board agreed that some members of the community may be offended by the depiction of the scantily clad women in a variety of poses or dancing together in the advertisement but considered that the advertisement was mildly sexualised.

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 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.

The Board then considered whether the advertisement was in breach of section 2.5 of the Code. Section 2.5 of the Code states: “Advertising or Marketing Communications shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided.”

The Board noted that at the beginning of the advertisement various people are shown saying “I’m coming”. The Board considered that this phrase was used to indicate that these people intended to go to the Sexpo and considered that whilst some members of the community may find the double entendre to be inappropriate, the Board considered the double entendre was mild and unlikely to be understood by many viewers and not of itself strong or obscene.

Based on this, the Board determined that the advertisement did not breach section 2.5 of the Code.

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