



Case Report

1	Case Number	0491/11
2	Advertiser	Sexpo Pty Ltd
3	Product	Sex Industry
4	Type of Advertisement / media	Outdoor
5	Date of Determination	04/01/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

Image of a man and woman smiling. Accompanying text reads, "The People's Show. Sexpo. Let's Go! November 24 - 27 Melbourne Exhibition Centre".

THE COMPLAINT

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

My complaint does not relate to the couple presented on the ad but rather the non G rated usage of the word "sex". Many children are able to read from as young as 4 and SEX is an easy word to read. Please explain to me how we as parents are meant to explain to them the meaning of this word. These ads are very much 'in your face' especially as you drive behind a tram or bus. As parents our role is to protect our children from things we deem unfavourable yet there is no escaping these advertisements. I think as a bureau there needs to be tighter regulations on wording used in advertisements and restricting to them to be suitable for all especially our innocent children who we want to keep as pure as we can for as long as we can. It seems in our society with the advertisements that are permissible; this is almost a battle that we will continue to lose.

THE ADVERTISER'S RESPONSE

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

The complaint is in reference to a Sexpo Billboard and Tram advertisement – location unknown – advertising Melbourne Sexpo.

The complainant states that they are not complaining about the image on the billboard, which is a couple.

They state that the use of the word sex is ‘non g rated’.

This advertisement contains no provocative text nor does it contain any foul or obscene language.

I would suggest that the wording in ads for the FCUK clothing label are far more provocative and ‘unfavourable’ than our advertisement.

The image in question was seen on dozens of billboards, trams, radio and television ads and seen and heard by hundreds of thousands of people

Over 14 days. One complainant is not reflective of the wider community view.

I do not believe the advertisement breaches Section 2 of the AANA Advertiser Code of Ethics in any way and is certainly not anything BUT a G – rating.

Please don’t hesitate to contact me if any further information is required.

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 concern that the advertisement features text that is offensive and inappropriate for viewing by children.

The Board reviewed 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 this advertisement is for a sex related product - a Sex Expo - and that an image of couple is relevant to that product or service.

The Board noted that the predominant image is of a man and a woman together. The Board noted that the advertisement is on a billboard and is therefore available for viewing by a very broad audience. The Board considered that some people may find the product to be inappropriate, but considered that the image and accompanying text is not sexually suggestive. The Board considered the overall impact of the advertisement is not inappropriate for the relevant audience.

On this basis the Board determined that the advertisement did depict sexuality with sensitivity to the relevant audience and that it did not breach section 2.4 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 (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided”.

The Board noted the reference to ‘Sexpo’ and that this is the name of the product advertised. The Board considered that the use of this term is relevant to the product and is presented in a manner that is not inappropriate. The Board considered that the use of the term Sex as part of the product name is not in itself language that could be considered strong or obscene.

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.