



Case Report

1	Case Number	0545/17
2	Advertiser	Sexpo Pty Ltd
3	Product	Sex Industry
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	06/12/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The advertisement features clips from previous events which include female dancers wearing lingerie, male dancers wearing minimal clothing, and crowd scenes from a previous event while the voiceover explains highlights of the event.

THE COMPLAINT

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

It was aired during a Family show which happens to be called "Family Food Fight". It's actually a family show, which in its very nature should be for families to enjoy. I have young children that we allow to stay up and watch it. Unfortunately the show goes till 8:46pm which is no doubt after the 8:30pm rule for this type of advertising. This is just ridiculous that they can't wait an extra 17 minutes. The time rule should really depend on the program being shown. Such as when watching the sporting events etc.

I am not objecting the event, just the timing of their TV ads. A little bit of respect for young kids that will obviously be watching these types of shows please.

An ad for the Melbourne Sexpo at 6.33pm, whilst we were watching A Current Affair with children present.

This is an inappropriate timeslot for an ad of this type.

Completely inappropriate time to advertise same

Sexpo is being advertised during Millionaire Hot Seat during the day when children can watch

THE ADVERTISER'S RESPONSE

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

We refer to complaint reference number 0545 / 17

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, various complaints have been made in regards to our television commercials, aired in Melbourne at various times and across various networks over the course of the recent SEXPO Melbourne 2017 advertising campaign. Given we are unable to identify which particular ad it was, below are CAD numbers and information for both advertisements used for SEXPO Melbourne 2017.

The advertisements in question were considered by CAD and classified a PG rating, and were therefore eligible for the time slot/s in which they aired.

We do not believe the advertisement/s contained content that would have rendered them 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 was aired at a time that was inappropriate, particularly for viewing by children.

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

The Board considered whether the advertisement was in breach of Section 2.4 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 there were two versions of the advertisement a 30 sec and a 15 sec version. The television advertisements are promoting a sex exposition in Melbourne and refer to how the exhibition has gone ‘retro.’ The advertisement features clips from previous events which include female dancers wearing lingerie, male dancers wearing minimal clothing, and crowd scenes from a previous event while the voiceover explains highlights of the event.

The Board noted it had previously dismissed similar complaints in case 0204/17 where:

“The Board noted that the actual content was not sexually explicit, the level of nudity was consistent with the level of nudity in advertisements for lingerie or swimwear, and overall the issues of sex and products relating to the sex industry are treated with sensitivity to the relevant broad audience.”

The Board noted the content of the current advertisement and considered that the actual content was not sexually explicit, the level of nudity was consistent with the level of nudity in previous Sexpo advertisements and advertisements for lingerie, and overall the issues of sex and products relating to the sex industry are treated with sensitivity to the relevant broad audience.

Consistent with its previous determination, the Board acknowledged that some members of the community would prefer that this type of event not be advertised on television but considered that Sexpo is legally allowed to be advertised and the use of the word 'sex' as part of the advertiser's name is not of itself inappropriate.

The Board noted the advertisement had been rated 'PG' by CAD and the advertisement had been broadcast in accordance with its rating. The Board considered that while some members of the community may find the advertisement to be inappropriate in the Board's view the content of the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad viewing audience which would include children.

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.