



## CASE REPORT

- |                               |   |
|-------------------------------|---|
| 1. Complaint reference number | 489/08  |
| 2. Advertiser                 | Sexpo Pty Ltd                                   |
| 3. Product                    | Sex Industry                                    |
| 4. Type of advertisement      | TV  |
| 5. Nature of complaint        | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination      | Wednesday, 10 December 2008                     |
| 7. DETERMINATION              | Dismissed                                       |

## DESCRIPTION OF THE ADVERTISEMENT

This television advertisement for Sexpo is 'hosted' by adult star Jessie Jane. She tells viewers about the entertainment, exhibits and products available at the Club X Sexpo. She tells viewers she will be there and the date of the expo - 20 to 23 November. This date is also shown on screen in the closing shot.

## THE COMPLAINT

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

*This kind of advertisement is not suitable for airing during a family viewing time-slot-i.e. before 8.30pm. It should not be shown before mid-night. It should only be shown when all the other sex industry promotional advertisements are aired - i.e. post-midnight. (all of which are objectionable, by the way and shouldn't be shown at all, in my opinion - they just promote illicit sex and de-grade women).*

*The advertisement itself was offensive in the sense that a sex toy (vibrator) is not really appropriate to be shown on TV. In particular showing it in a program on a Sunday morning aimed at kids (video hits) is disgusting. I believe the advertisement to be mildly offensive anyway regardless of time slot hence the complaint on here, but it highly inappropriate to the time it was shown.*

*This is a totally inappropriate ad to be screening during a family movie - especially at the time it was run (6:30pm - 8:30pm). Why should small children be subjected to this material?*

*I write in relation a deep concern I have in relation to a television advertisement which was broadcast on your network last night, Saturday 15th November at around 7.58pm and again at 8.28pm. This advertisement for "Melbourne Sexpo" was played on air without any prior warning and played throughout a PG rated programme which commenced on air at 6.30pm. I was watching this programme with my two children who are aged 9 and 13 and found the programming of this advertisement in this time slot as highly inappropriate. I felt quite concerned about this and hence the reason for this communication. I believe this is a breach of the AANA Code of Ethics, Section 2.3 as this advertisement had sexual references and most certainly would not be targeting this age group. It made references to a number of items which I feel was most inappropriate for this time slot. The television film we were watching was within the PG classification zone of weekends 10am - 8.30pm and I feel that the content of this advertisement does not at all fall within this classification and I can't understand how this has occurred. I await a response into the outcome of your investigations into this matter.*

*Daytime television, during a multi-age show (cricket) should not have to view such sexual innuendos as are shown in this advert.*

## **THE ADVERTISER'S RESPONSE**

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

## **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 concerns expressed by complainants in regard to the sexual content of this advertisement.

The Board considered the application of Section 2.3 of the Code, relating to sex, sexuality and nudity.

The Board noted that the relevant advertisement had received a PG rating, meaning that parental guidance was recommended. The Board noted that the advertisement featured no nudity and that the image accompanying the reference to "toys" was fleeting and did not obviously show sex toys.

The Board considered that advertisement's treatment of sex, sexuality and nudity was sensitive to the relevant audience based on its classification.

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