



CASE REPORT

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| 1. Complaint reference number | 60/10 |
| 2. Advertiser | Sexpo Brisbane March 2010 |
| 3. Product | Sex Industry |
| 4. Type of advertisement | Outdoor |
| 5. Nature of complaint | Discrimination or vilification Gender - section 2.1
Portrayal of sex/sexuality/nudity – section 2.3
Other - Social values |
| 6. Date of determination | Wednesday, 24 February 2010 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This outdoor advertisement features a woman wearing a blue bikini-like outfit, she is on her hands and knees and arching her back. A bare-chested male appears in the background. On the right side of the billboard is a man on a motorbike depicted in mid air.

THE COMPLAINT

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

I believe it contravenes Section 2.3 of the Advertising Code. It is a provocative image of a scantily clad woman advertising an expo on sex. Not the images I wish to see or I wish my children to see. There is far too much emphasis on sex in a lot of advertising, and this is very "in your face".

It is totally disgusting and although ALL individuals have the choice to view or purchase all types of overtly sexual images where are my rights to choose NOT TO SEE OFFENSIVE IMAGES. These are not images for children. These are not images for Billboards.

The ad is oversexualised, considering the likelihood that drivers will be distracted by the nature of the ad. In addition, the ad is provoking questions from children that is unhealthy and unhelpful to be asking at early ages (e.g. primary school and below). Further, it is all the more inappropriate when placed next to a religious venue in a one-way street, forcing parishioners to view the sign in order to drive into the church.

The advertisement shows a very scantily clad woman in a suggestive position. I would not object to this advertisement if it was somewhere where it cannot be viewed by children. How do I explain such an advertisement to my child? Also the billboard is near to a school where parents would be driving past to drop their children off at school. Whatever do these people who put these advertisements up think of! I wonder if they have children to consider! I have to drive past this advertisement with my young daughter every day and now dread driving past it. Are these sorts of advertisements not checked before they are put onto such large billboards? And is the location of such an advertisement/billboard considered?

I object under the Code of ethical advertising and also the Code for advertising and marketing communications to children.

I think this is porn, and should not be visible to the general public. It is completely inappropriate for children and young people are exposed to. As well as degrading to women and true femininity.

These advertisers have taken away my choice to view this material or not, and are presuming I want to see this on my drive up the freeway. I am totally not interested in their event. But also

realise that unfortunately because they have broken an ethical code of advertising, they will probably get even more press coverage for their event. So unjust.

I would petition to have this and any more of their billboards removed immediately. It's disgusting.

THE ADVERTISER'S RESPONSE

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

In reference to the complaints received by your organisation relating to the billboards advertising our forthcoming event, I would like to state Sexpo's position;

Sexpo has been a registered trademark for over 13 years. We have no relationship whatsoever with AMI or its advertising

- Having reviewed the Section 2 of the AANA Advertiser Code of Ethics and taken advise on this matter, we feel we are well within the parameters of code*
- The advertisement in question is in no way designed to be offensive, or to provoke a negative response from the majority of the Queensland community*

As Operations Manager of Sexpo Australia, we take all feedback very seriously. I would be happy to discuss this with you in greater detail, or contact the individuals to discuss their concerns and their viewpoints.

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 concern that the image of a woman in a sexualised pose with skimpy clothing is inappropriate for the Billboard.

The Board considered whether the advertisement 'depicted sex, sexuality and nudity with sensitivity to the relevant audience'.

The Board noted that the woman is featured with her back arched and was wearing an outfit similar to a bikini. The Board noted that it had previously considered advertisements featuring scantily clad women and that the use of such images has at times been a divisive issue for the community. The Board noted that this advertisement is for a sex related product - a Sex expo - and that a mildly sexually suggestive image of a woman is relevant to that product or service. The Board noted that the relevance of the image to the product or service advertised is a factor in determining whether the advertisement treats sex, sexuality or nudity with sensitivity to the relevant audience.

The Board noted that the advertisement is on a billboard and is therefore available for viewing by a broad audience. The Board considered that some reasonable people would find the portrayal to be unacceptable but considered that the image is relatively discrete (the woman's breasts are mostly covered), the advertisement is only mildly sexually suggestive, and the image is relevant to the products advertised. 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 2.3 of the Code.

The Board also considered whether the advertisement discriminated against or vilified women. Some members of the Board considered that the woman was depicted in a sexualised and objectified manner particularly when contrasted with the image of the man, who is depicted in a stronger more powerful position. The majority of the Board considered that this image, although objectifying the woman, was relevant to the product and did not amount to discrimination or vilification of women. On this basis the Board determined that the advertisement did not breach section 2.1 of the Code.

The Board considered that the use of the word 'Sexpo' in the Billboard was relevant to the product advertised. The Board determined that the word 'sex', although part of the name of the product, was not of itself offensive and in the context of the name of the product was not offensive 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.