



## CASE REPORT

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| 1. Complaint reference number | 73/09   |
| 2. Advertiser                 | Sexpo Pty Ltd                                   |
| 3. Product                    | Sex Industry                                    |
| 4. Type of advertisement      | Outdoor   |
| 5. Nature of complaint        | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination      | Wednesday, 11 March 2009                        |
| 7. DETERMINATION              | Dismissed                                       |

## DESCRIPTION OF THE ADVERTISEMENT

This outdoor advertisement from Sexpo Pty Ltd for its sexuality lifestyle expo shows a woman on the right covering her breasts with her hands. She is wearing a pair of cricket gloves. Details of the Sexpo are shown on the left. The offer of winning a trip to the Ashes in London is shown below the image.

## THE COMPLAINT

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

*We recently had a billboard ad at Tugun for "Need Longer Sex" which after a while had the Sex part XXX out , I presume after someone complained. Sexpo seems no different. It is very large and the photo of the girl is fairly explicit for a public road for 24 hour a day exposure. The school bus stops at the Shell Service Station nearby and I feel it is an inappropriate ad for general view.*

*1) AMI nasal delivery technology ads were recently changed from "SEX" to "DO IT" which seemed like progress, and now here is the word "SEX" again in 10ft letters on a busy motorway.*

*2) Furthermore, this ad also has a clearly sexual image of a woman in a sexual and provocative pose, revealing a large amount of her naked breasts.*

*Can you tell me where else I can take this complaint? As I find this billboard really disgusting.*

*I would consider this to be in the realm of pornography and highly offensive to women and a major distraction to drivers. In fact recently there was a five car pile up on the gateway motorway near Boondal where the billboard is located which resulted in the death of an unborn baby. This billboard situated near the gateway Bondall overpass of Sandgate Rd, affects users of either road. As a graphic and offensive image (and in the interests of driver safety), I sincerely request formal action to remove this billboard.*

*I find this poster offensive as it seems to imply that Sexpo is all about naked women and what a woman can give a man. This is what my daughter immediately thought Sexpo was about when we had to drive past this billboard when returning from a counselling session she had just been to for a sexual assault crime she had experienced against her. My daughter is only 14 years old, can you even begin to imagine how the depiction on that billboard made her feel? I dread having to drive past this poster if my son were also to be in the car. He is 11 years old and just coming into puberty. We are trying to teach him to respect himself and women, how are we supposed to do this when there are depictions of this nature to the contrary staring him in the face? Please remove this billboard, it's just not acceptable viewing for any child to have to see.*

*I find the photo offensive and degrading to women. Motorists/children passengers driving along at 100km/h would see her breasts which, in my opinion, are not only inadequately covered, but she is holding them in a sexually suggestive manner. If advertisers want to get peoples' attention may I suggest they have a photo of a naked man holding part of his penis? To me that is the same thing.*

## **THE ADVERTISER'S RESPONSE**

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

- *Sexpo is a registered trademark for over 13 years. We have no relationship what so ever with the company AMI, nor its advertising*
- *Having reviewed the Section 2 of the AANA Advertiser Code of Ethics and taken advice 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*
- *Overall, the advertisement has been in place for 3 weeks and we feel that having received only 2 negative replies does not represent the views of the community.*

*As General Manager of Sexpo Australia, we take all feedback very seriously.*

## **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 covering her breasts is inappropriate for the Billboard.

In regard to the advertisement's portrayal of sex, sexuality and nudity under Section 2.3, the Board noted that the woman is not wearing a top or bra. The woman's hands are wearing wicket keeping gloves and are covering her breasts. The Board considered that the image was mildly sexualised and that the references to Sexpo are sexually suggestive text.

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 relevant 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. The Board considered that this image, although objectifying the woman, was not demeaning. 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.