



Case Report

1	Case Number	0302/14
2	Advertiser	Sexpo Pty Ltd
3	Product	Sex Industry
4	Type of Advertisement / media	Transport
5	Date of Determination	27/08/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.5 - Language Inappropriate language

DESCRIPTION OF THE ADVERTISEMENT

Sexpo logo and venue information on the sides of buses. The wording includes: "The most FUN you can have with your clothes on!" "Tickets available at sexpo.com.au".

THE COMPLAINT

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

It is inappropriate for this advertising material to be placed on a bus as that bus will come in sight of school children. The advertisement contributes to the early age at which pornography is viewed (the average age of the first-time viewer of pornography is 11), and pornography has been linked with rising levels of violence against women by men who watch it. The men who watch porn view women as objects, not people, and as such violence against those women arises. Thus the promotion of Sexpo in such a way as to be viewed by children does contribute to the sexualisation of children and sexual and domestic abuse against women. This is in violation of section 2.2 of the AANA Code of Ethics.

Contravenes Section 2.3 Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone.

The content and wording is inappropriate for the context and the time zone and is

inappropriate for the general viewing audience which will include large numbers of children. I find it offensive and do not wish to explain what Sexpo is to a 5 year old.

THE ADVERTISER'S RESPONSE

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

The complaint refers to an advertisement on a bus which I have attached.

The advertisement in question is purely information based with no explicit wording or imagery.

We certainly do not set out to offend and have no control over the bus routes.

We do not believe that this advertisement breaches section 2 of the AANA Code of Ethics in any way.

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 features sexual content and references to an adult event which are not appropriate for children to view.

The Board noted the complainant's concern that this product is able to be advertised on public transport. The Board noted that this product is legally allowed to be advertised and that this issue falls outside of the Code therefore the Board cannot consider this aspect of the complaints when making its determination.

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 this advertisement is placed on the side of buses and features wording advertising a forthcoming Sexpo event and that the only imagery is of a silhouetted couple (a woman being held above someone's head).

The Board noted that it had previously dismissed complaints about a Sexpo advertisement on transport which featured images as well as text in case 0168/11. In that instance:

“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 and/or man is relevant to that product or service.

The Board noted that the advertisement is on the side of a bus and is therefore available for viewing by a broad audience. The Board considered that some people would find the portrayal to be unacceptable but considered that the image is relatively discreet. The advertisement is only mildly sexually suggestive, and the images are relevant to the product being advertised.”

The Board noted that the current advertisement only features an image of a silhouetted couple and considered that his imagery of a person being held above another person did not depict any nudity and was not sexualised or inappropriate.

The Board noted the wording of the advertisement, “The most FUN you can have with your clothes on!” and considered that whilst this statement is suggestive of sexual activity it is a very mild reference and is unlikely to be understood by younger children. The Board acknowledged that the advertisement would be viewed by the broad community which would include children of all ages but considered that the level of sexual innuendo is not inappropriate and is unlikely to be considered offensive by most members of the community. The Board considered that the advertisement does treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

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 complaint.