



Case Report

1	Case Number	0198/16
2	Advertiser	Sexpo Pty Ltd
3	Product	Sex Industry
4	Type of Advertisement / media	Billboard
5	Date of Determination	11/05/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The advertisement is a billboard which shows a number of images - a woman with a feather head dress and a line of men and women in various styles of dress. The word Sexpo is featured across the picture with details of dates, May 12-15, and the venue, Horden Pavilion & Royal Hall of Industries, Moore Park.

THE COMPLAINT

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

It is immoral to advertise Sexpo in a place as public as a train station where children and families can view it. There are services listed in the ad that I do not want to see and children should not be exposed to.

I object to the advertisement for Sexpo on the billboard being positioned next to Beverly Hills Intensive English Centre School and Beverly Hills Girls High School. The Sexpo Billboard is one metre away from the School's sign and noticeboard. Sexpo is an 18 plus event and this should not be advertised next to schools. This is in breach of Section 2.4 of Consumer Complaints which states "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience." This Sexpo advertising/marketing communication is not considering the location of the Billboard as it is one metre from a School noticeboard.

THE ADVERTISER'S RESPONSE

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

The Sexpo™ trademark is a registered trademark worldwide. It represents a consumer 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 billboards which are located in various positions in the relevant host capital city.

As we understand it, the complaint received was made in regards to a billboard ad located on King Georges Road, Beverly Hills, NSW.

The billboard in question contains imagery and text associated with the Sexpo™ exhibition that we believe, are appropriate for its use. As you can see from the attached in-situ picture, and the original artwork, there is nothing overtly suggestive about the content.

We do not believe the advertisement contains content that would render it in breach of Section 2.4 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 complainant’s concerns that the advertisement is for a Sexpo event and its location near a school is not appropriate.

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

The Board then 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 billboard advertisement for Sexpo features images of a woman in feather headdress and headshots of two men and three women, as well as the name and location of the event.

The Board noted it had previously considered similar complaints about a Sexpo mobile billboard advertisement in case 0249/15 where:

“The Board noted this mobile billboard advertisement features the name of the advertised event, Sexpo, along with images of people and text describing their attributes: pornstar, bombshell and sex vixen, and reality TV stars.

The Board noted it had previously dismissed complaints about similar outdoor

advertisements for the same advertiser in cases 0167/11, 0241/11 and 0327/12.

The Board noted in the current advertisement that the images are the upper torsos of different people and considered that their poses are not sexualised and there is no nudity.

The Board acknowledged that some members of the community would prefer for this type of event to not be advertised but considered that the use of the word 'sex' as part of the event's name is not of itself inappropriate and overall the content is relatively mild and does treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience."

The Board noted the current advertisement features an image of a woman wearing a feathered headdress with the text, "the last Sexpo Carnivale comes to Sydney!" superimposed over her torso. The Board noted the woman's body is covered by the feathered costume she is wearing and considered that the image was relevant to the text describing the event as a Carnival. The Board noted the other images show the headshots of five men and women and considered that they are clothed and their poses are not sexualised.

The Board noted that the name of the event, Sexpo, is written in large letters across the centre of the advertisement. The Board acknowledged that some members of the community would prefer for this type of event to not be advertised but considered that consistent with its previous determination the use of the word 'sex' as part of the event's name is not of itself inappropriate. The Board noted that underneath Sexpo it says, "Health Sexuality and Lifestyle Expo" and considered that this description is informative rather than sexualised and does not provide any inappropriate detail with regards to what a Sexpo event entails.

Overall the Board considered that the content of the advertisement is relatively mild and in the Board's view it is not inappropriate for a broad audience which would include children.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad 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.