



Case Report

1	Case Number	0335/15
2	Advertiser	Sexpo Pty Ltd
3	Product	Sex Industry
4	Type of Advertisement / media	Transport
5	Date of Determination	09/09/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.2 - Objectification Exploitative and degrading - women
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

This transport advertisement for the Melbourne Sexpo features the name of the event (MyFreeCams Sexpo) and various images:

1. A man and woman dressed in white in an embrace,
2. A group of men with a man above them wearing shorts and opening his shirt to expose his ripped torso, and
3. A group of women posing with the text, "Let us entertain you" written in white typeface.

THE COMPLAINT

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

The imagery is clearly marketing sex industry services to a broad audience which includes children. This particular ad was seen on the back of a school bus as it pulled into a bus stop outside a primary school. I had to drive ten minutes directly behind this bus on my way home with my children in the car.

In addition to my own children asking questions about the ad - as it is clear to them that the ad was "inappropriate" their word, not mine - I heard other children talking loudly about it

as they got off the bus and crossed the road - "Look it's Sexpo."

I had to have a conversation with my 12 year old about sexual exploitation and the way the sex industry markets this to a broad audience. (It would have been nice to discuss his school day instead) This conversation was more of a challenge when confronted with questions from an 8 year old who knows what "sex" is, but doesn't understand why it is advertised as something that is "for sale" on the back of a bus.

The image of a couple kissing placed alongside the large lettering of the events title "Sexpo" and event sponsors "My free cams" "Club X" and a list of event activities against a brightly covered back drop, makes this advertisement explicit and provocative.

The advertisement includes the URL for sexpo, that within two clicks leads to hardcore live streaming pornography/prostitution acts. Any child with a smart phone would be able to see live streaming footage of women masturbating with sex toys within minutes. It is well known that parental control of mobile phones is lacking for a number of reasons, including parents not understanding technology, or children deliberately circumventing parental controls. It is wildly irresponsible for Sexpo and Brisbane Bus Lines to explicitly advertise sex industry events and hardcore porn sites on a school bus.

Brisbane City Council are public transport buses are used by school children . Children are exposed to enough over sexualised images without it being thrust at them on the way to and from school. These images are also at eye height for cars.

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 mobile posters which are located on the sides and rears of buses in the relevant host capital city.

As we understand it, the complaint received was made in regards to bus advertising seen on a City of Brisbane bus, on August 12, 2015 and August 17, 2015.

The poster in question contains imagery and text associated with the Sexpo™ exhibition that we believe, was appropriate for its use. Unfortunately we are not able to control the route the bus driver uses.

Further, at no time did the company which has the contract to negotiate advertising between a client and the City of Brisbane raise concerns about the propriety of the advertising.

We do not believe the advertisement contained content that would have rendered it in breach of Section 2 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 complainants’ concern that the advertisement features revealing images of women wearing lewd clothing and is inappropriate for display on public transport where children can view it.

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

The Board noted the complainant’s concern that after accessing the advertised Sexpo website, “within two clicks leads to hardcore live streaming pornography/prostitution acts”. The Board noted that its role is to consider the content of the advertisement under complaint and considered that it has no jurisdiction over further internet searches made after accessing an advertiser’s website.

The Board considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: “Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.”

The Board noted that in order to be in breach this section of the Code the advertisement would need to use sexual appeal in a manner that is both exploitative and degrading.

The Board noted that the advertised product is a Sex Exposition and considered that the use of male and female models in the advertisement is relevant to this product.

The Board noted that some members of the community would prefer that women not be used to promote this type of product in this manner but considered that the images in the advertisement are not exploitative and the manner in which both the male and female models are depicted is not degrading.

The Board considered that the advertisement did not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.

The Board determined that the advertisement did not breach Section 2.2 of the Code.

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 the complainant’s concerns that the woman in the advertisement are wearing “lewd clothing” and that a high level of detail of one woman’s crotch is visible.

The Board noted that the male and female models in the advertisement are all wearing clothing and considered that the level of nudity was relatively mild. The Board noted the images of the women in the advertisement and considered that there is no undue focus on their crotch areas and the level of detail is not explicit or revealing. The Board noted that in the image of the man jumping above a group of men, the man’s chest is bare but considered that this level of exposure of a male body is not explicit or inappropriate. The Board noted the image of the man and woman embracing. The Board noted that the man and woman are

both clothed and considered that their pose is not strongly sexualised.

The Board noted it had previously dismissed complaints about similar outdoor advertisements for the same advertiser in cases 0167/11, 0241/11, 0327/12, and 0249/15. The Board considered in the current advertisement that the images do not feature nudity and are not sexually suggestive or explicit.

The Board noted the complainant's concern that it is irresponsible for Brisbane bus lines to advertise sex industry events. The Board noted that it's not its role to consider the type of bus used and the type of advertisement placed on it, but rather just to consider the audience likely to see 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 the use of the word 'sex' as part of the event's name is not of itself inappropriate, this product is legally allowed to be advertised, 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 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 complaints.