



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0082/13</b>
<b>2</b>	<b>Advertiser</b>	<b>Sydney Luxury Massage</b>
<b>3</b>	<b>Product</b>	<b>Sex Industry</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Mail</b>
<b>5</b>	<b>Date of Determination</b>	<b>27/03/2013</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Upheld - Not Modified or Discontinued</b>

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

This mail drop pamphlet is double sided and includes an image of a woman in white lingerie on one side and a large mouth on the other with a finger placed against the lips.

### THE COMPLAINT

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

*I find the content of the advertisement offensive because of the overtly sexual nature of the ad. I mostly find it offensive that the company thought it appropriate to put these flyers in mail boxes as it's a personal adult service and I do not find it suitable to be advertised in this way. I called the company and expressed this and they responded that it's the same ad as you would find in the back of a lingerie magazine. This may be the case but you would assume that I would make the choice to read ads in a magazine whereas this one was thrust upon me in my letter box. I think the company should be fined for such poor taste and judgement.*

### THE ADVERTISER'S RESPONSE

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

*The Advertiser did not provide a response to the complaint.*

## **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 depicts overtly sexualised material which is inappropriate for viewing by a broad audience.

The Board viewed the advertisement and noted that the advertiser has not provided a 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 the advertisement features a double sided flyer. One side of the flyer has an image of a model wearing white lingerie. The reverse side of the flyer has an image of a mouth with a woman’s finger pressed against the lips. The text on that side of the flyer reads “Bringing you the ultimate pleasure in the ultimate way. The ultimate massage down under.”

The Board noted the complainant’s comments about the sexualized image as well as the delivery of these flyers to residential mail boxes.

The Board noted that the model is wearing lingerie and that there are no exposed parts of her body. The Board noted that the advertiser is legally allowed to advertise the particular service and that the manner in which the model is dressed is relevant to the product being advertised.

The Board noted that the side of the flyer that includes the image of the woman does not show the woman’s face and the focus of the image is very clearly on her bust. The Board considered that the stance of the woman with her hands placed near to her panty line and the curve of her back make the pose very sexualised.

The Board noted that the other side of the flyer includes only an image of a woman’s mouth and hand and although this image on its own, is not of itself an overtly sexualized image, the combination of the image with the text “bringing you the ultimate pleasure in the ultimate way. The ultimate massage down under” increased the sexual nature of the image and in context with the model in white lingerie made it an explicit advertisement.

The Board noted there is a level of community concern about the sexualisation of children and acknowledged the use of the advertisement via a letterbox drop meant that the relevant audience was very broad and would include children.

In the Board’s view the depiction of a woman in a sexualised pose and the combination of the text included on the flyer amounted to a depiction that is highly sexualized and does not treat

sex, sexuality and nudity with sensitivity to the relevant audience and breached Section 2.4 of the Code.

Finding that the advertisement breached Section 2.4 of the Code, the Board upheld the complaint.

#### **ADVERTISER RESPONSE TO DETERMINATION**

The advertiser has not responded.

The ASB will continue to pursue this matter.