



# Case Report

1	Case Number	0243/15
2	Advertiser	SindeRellas
3	Product	Sex Industry
4	Type of Advertisement / media	Print
5	Date of Determination	24/06/2015
6	DETERMINATION	Upheld - Modified or Discontinued

## ISSUES RAISED

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

## DESCRIPTION OF THE ADVERTISEMENT

Image of a woman lying on her side on a bed wearing only a pair of white knickers. Her arm and hair cover her breasts. Next to her are images of six different types of vibrators and the text, "The ultimate in Luxury ADULT TOYS. Sinde Rellas Mandurah. Your One Stop Adult Shop".

## THE COMPLAINT

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

*This is a community newspaper, delivered to homes, and readily accessed by both adults and children.*

*My complaint I believe pertains to Section 2 of the AANA Code of Ethics: Portrayal of sex/sexuality/nudity.*

*I consider that the advertising of sex toys/objects in this easily accessible, open forum, is offensive and confronting to many readers. I don't consider it acceptable that photographs of sex toys are introduced into the family home in an "uninvited" and deliberately confrontational manner: ADULT TOYS written in large bold and capitalised type, colour photographs of a variety of vibrators, a sexy female body, and to complete the advertisement, information that details that the toys are "Multispeed", "Waterproof", and "Phthalates Free". I believe there is a place in other publications for this type of advertisement, however not in a family newspaper.*

## **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.*

## **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 concern that the advertisement features images of sex toys and a half-naked woman which is not appropriate for a family newspaper.

The Board viewed the advertisement and noted that the advertiser did not provide a response to the complaint.

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 this print advertisement appeared in the Mandurah Mail and depicts images of vibrators next to a woman lying on a bed.

The Board noted it had upheld a complaint about images of adult toys used in a print advertisement for the same advertiser in case 0468/12 where:

"The Board noted that the advertisement also features images of adult toys and considered that whilst these images in themselves are not inappropriate as most people including children would not immediately recognise them as sex aids, in the Board's view the accompanying descriptors do draw attention to their function. The Board considered that the phrase, "sex in the shower" in particular is drawing the community's attention to the sexual act in a manner which is inappropriate and which does not treat the issue of sex with sensitivity to the relevant audience."

The Board noted it had also previously dismissed a complaint about a billboard advertisement which featured an image of a vibrator in case 0083/13 where:

"The Board considered that the billboard itself does not contain images that are sexualized and that the open mouth of the woman is not a depiction of a sexual nature and the use of

the rabbit is relevant to the promotion of a sale that is available around the Easter period. The Board noted that it is not immediately obvious that the “bunny rabbit” shaped object is a vibrator or a sex toy.”

In the current advertisement the Board noted that there are images of vibrators next to a woman lying on a bed. The Board noted that the woman is lying on her side wearing white undies and is covering her naked breast with her arm. The Board noted the complainant’s concern that the woman’s pose is alluring but considered that her pose could indicate she is asleep and in the Board’s view the image itself is not sexualised.

The Board noted the images of the vibrators and the accompanying text which reads, “The ultimate in Luxury ADULT TOYS”. The Board noted the prominence of the words, “adult toys” and considered that attention is being drawn to the vibrators and the adult nature of these products. The Board noted that these products are legally allowed to be advertised but considered that care has to be taken with regard to the relevant audience. The Board noted that the Mandurah Mail is a local community newspaper and would attract a broad audience. A minority of the Board noted that the advertiser is promoting their local store and considered that in the context of a community newspaper which would be read by the advertiser’s target, local and primarily adult audience the advertisement is not inappropriate and does treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

Following considerable discussion however the majority of the Board noted that local community newspapers are read by a broad section of the community and considered that a large, colour advertisement featuring images of vibrators is not the usual type of advertisement the community would expect to see in this medium. The Board noted that younger children would not be likely to understand what the products are but considered that older children would be able to make a connection between the wording, ‘adult toys’ the images of the vibrators and the image of an almost naked woman on a bed. Consistent with its previous determination in case 0468/12 the majority of the Board considered that the combination of text and images in the advertisement draw the community’s attention to sex and does not treat this issue with sensitivity to the relevant broad audience.

The Board determined that the advertisement did breach Section 2.4 of the Code.

Finding that the advertisement did breach Section 2.4 of the Code the Board upheld the complaint.

## **THE ADVERTISER'S RESPONSE TO DETERMINATION**

The advertiser did not provide a response.

Fairfax media confirmed they will not run this advertisement again.

