



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0468/12</b>
<b>2</b>	<b>Advertiser</b>	<b>SindeRellas</b>
<b>3</b>	<b>Product</b>	<b>Sex Industry</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Print</b>
<b>5</b>	<b>Date of Determination</b>	<b>28/11/2012</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Upheld - Modified or Discontinued</b>

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

Image of a woman from her lower back to her feet. She is wearing black leather-look underpants, stockings and black high heeled shoes. Another image of a woman shows her wearing red lingerie and fishnet stockings. There are images of sex toys and the text includes, "Sinde Rellas We have it all! Your one stop adult shop. Music legs. Sex in the shower. We vibe 3."

### THE COMPLAINT

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

*This is a free community newspaper. My son aged 6 was told to look out for his picture in the paper. So when the paper arrived on page 4 of the paper to see a half page advertisement of sex toy and women looking sexy and the words "sex in the shower". Followed by the words from my son "what's that". pointing to the vibrator. I think that this averment where children can see it should be banded. or at the very least no picture of the toys. This is unfair that my son has been subjected to this. He is only 6 years old. Other community papers out of the area do NOT have this sort rubbish in them. After contacting the newspaper and speaking with Dale Evans to be told the ad is staying and if it offended me that they won't deliver the newspaper to my house. Dale also said that I'm not the first to ring, others have complained about it for difference reason, as religion. As a parent I try to protect my children and you wouldn't give a 6 year old a stick book to read so why is it in the community paper?*

## **THE ADVERTISER'S RESPONSE**

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

*The Advertiser advised the ASB that they would not be submitting 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 sexualised imagery which is not appropriate for a local newspaper where children may see it.

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 for a sex shop and that this product is legally allowed to be advertised.

The Board noted that the advertisement features images of sex toys as well as two images of women wearing lingerie and that the text includes the phrases, "sex in the shower" and "we vibe 3" as descriptors of the adult toys featured in the advertisement.

The Board noted the women in the advertisement are both depicted wearing lingerie and that the lingerie covered their bodies so that no private areas were exposed. The Board noted that the lingerie was sexy but considered that the poses of the women were not overtly sexualised or inappropriate for a print advertisement.

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.

On this basis the Board determined that the advertisement did not treat sex with sensitivity to the relevant audience and that it did breach 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 sex in the shower ad has been discontinued. This is not as a result of the complaint simply the ad has passed its used by date. Sinderellas feel the board's decision is biased and not reflective of community standards and expectations. Sex in the shower brand sold over 700 units and was advertised in four Fairfax papers covering 93% of the massive peel region. Total complaints –1—. The complainant was clearly over the top and suffering some sort of sexual anxiety. Sinderellas has been operating and advertising in W.A. for 19 years through countless publications. Total complaints –1—. Please do not lecture us on sensitivity. We almost invented the word. P.S. Sinderellas would like to acknowledge the support of the Mandurah Mail (who were gobsmacked at the decision) and the people of Peel region for their terrific support.