



Case Report

1	Case Number	0479/10
2	Advertiser	Milk Fashions
3	Product	Clothing
4	Type of Advertisement / media	Print
5	Date of Determination	08/12/2010
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience

DESCRIPTION OF THE ADVERTISEMENT

Left hand side of advert shows a woman crouched on all fours over a man. The woman is wearing over the knee leather boots, ripped black leggings and a batwing style silk top with slits in the sleeves. The man is wearing jeans and an unbuttoned shirt.

To the right is the text, "197B Scarborough Beach Road Doubleview. Spring Racing Carnival is here. New stock arriving daily. Open 7 days".

At the bottom of the advertisement it reads, "www.milkfashions.com.au. Tel 08 9446 1193. Milk"

THE COMPLAINT

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

Doesn't your board consider this distasteful and unnecessary? Children just might see it. Do they need to see those images? They aren't in an adult magazine so how do we protect our children?

Could you please do something about protecting our young people?

THE ADVERTISER'S RESPONSE

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

We will no longer be using this image for any type of advertising.

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 contains a distasteful and unnecessary image.

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

The Board considered whether the advertisement was in breach of section 2.3 of the Code. Section 2.3 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone”.

The Board noted the advertisement is for clothing and features a woman crouched over a man and that they are both clothed, although the man’s shirt buttons are undone and we can see his chest.

The Board noted the advertiser’s response that this image will not be used again.

The Board considered that whilst some members of the community could consider this image to be mildly sexualised, the Board considered that most members of the community would not consider this advertisement to be distasteful or inappropriate.

The Board determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and that it did not breach section 2.3 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.

