



CASE REPORT

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| 1. Complaint reference number | 216/06 |
| 2. Advertiser | Mobile Applications (Mobile Guru 1 - woman touching crotch) |
| 3. Product | Mobile Phones/SMS |
| 4. Type of advertisement | Print |
| 5. Nature of complaint | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination | Tuesday, 13 June 2006 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This print advertisement for mobile screen downloads features a young blond woman (vme182) leaning back on a couch, with her hand resting in her crotch.

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

....a woman investigating her crotch with her fingers.

This advertising has no place in a television guide which is not rated by content and which therefore carries no warnings of sexually explicit and/or offensive content.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

There is no evidence nor facts expressed by the complainant or the image to justify that she is doing anything like that nor with the use of her fingers.

The images in the advertisement fall well within the scope of the acceptable levels as set by the mobile phone operators and do not breach any of their rules.

We have spoken to the publication who advised that as of 30 May 2006 they have not received any complaints from the public regarding the images contained in our advertisements.

We understand that the advertisement and the services offered are not necessarily to the taste of the entire viewing public but we submit that the advertisement is reasonable in relation to the nature of the services offered.

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 that this image was one in a series which appeared in the Sunday Herald Sun TV Guide. The Board noted that the audience for this is wide.

The Board viewed the image complained about and while Board members agreed that the image was sexual in nature, they did not consider that the image was sexually explicit.

The Board considered that the advertisement was not insensitive nor did it consider it insensitive for the likely viewers of the publication.

Further finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.