



## **CASE REPORT**

1. Complaint reference number	263/06
2. Advertiser	Tyson Club
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, 11 July 2006
7. DETERMINATION	Dismissed

## **DESCRIPTION OF THE ADVERTISEMENT**

This print advertisement comprises a booklet delivered to private homes, and featuring various images to download to mobile phones.

## **THE COMPLAINT**

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

*Children can access the downloads that are described in the booklet which appear to be pornographic (sic).*

*...extremely explicit pornographic material for downloading and use as wallpapers on mobile phones. I was extremely shocked by the graphic photographs .....*

*Contains a high level of female nudity.....rude finger suggestions - a defaced animal and baby give the same finger.*

*...xxx downloads, porn scenes, young naked girls all available for download.*

## **THE ADVERTISER'S RESPONSE**

Advertiser did not respond to the complaints.

## **THE DETERMINATION**

The Advertising Standards Board (“Board”) considered whether this advertisement breaches section 2 of the Advertiser Code of Ethics (the “Code”).

The Board considered all of the images in the brochure and that the brochure was delivered to people via letterbox drop. The Board considered that the images in the brochure were not pornographic, although some were certainly sexually suggestive.

The Board noted that, as it was distributed through letterbox drop to people’s homes, the material in such publications was freely available to any persons in a home, including children. The Board considered that the particular depictions in the Tyson brochure were likely not to be considered pornographic by most people in the community.

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