



CASE REPORT

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| 1. Complaint reference number | 301/09 |
| 2. Advertiser | Adult Warehouse |
| 3. Product | Professional Services |
| 4. Type of advertisement | Print |
| 5. Nature of complaint | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination | Wednesday, 8 July 2009 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This print advertisement is headed “Make Mothers Day Extra Special” “50% off Lingerie & Hosiery”.

Below are pictures of 3 women in lingerie. Woman on the left is wearing white bodice, suspenders, string panties and long white gloves. Woman in centre is wearing pink and black negligee and matching panties. Woman on right is wearing blue negligee and matching panties.

Wording at bottom of picture says “Many more specials in store for your wife, mother, girlfriend or all three”

Bottom of poster provides details of store location including a map and an image of the contents of the store.

THE COMPLAINT

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

I would like to place a complaint about the enclosed ad. (Sex Shop). I am complaining about the 3 young girls (14/16 years) being used in an adult ad dressed as shown. All in a "Mothers Day" ad. This is not an example i would like young people to relate too. Ad Details: The Advertiser (Illawarra Area) wed May 6 2009 page .

THE ADVERTISER’S RESPONSE

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

It should be noted that the shop advertises on a weekly basis in the local papers and has done so for the last 4 years, without a single complaint ever having been made, to either the newspaper or the shop itself, and I would also suggest that as we have had no prior contact from your office, that there have not been any prior alleged complaints received up until this time.

It should also be noted that our shop practices strict adherence to licensing regulations in that our premises are restricted to persons over the age of 18 years. Management and all staff are constantly supervised and monitored to ensure that this practice is firmly adhered to.

I wish to strongly refute any allegation that the models used in the noted advertisement are 14-16 years of age. These images were taken from a lingerie catalogue (that is not a restricted publication) supplied to us by a reputable wholesaler / importer of women’s lingerie and costumes. Under no circumstances would the store contemplate ever using images that were deemed inappropriate or offensive in any way shape or form.

The intent of the ad was purely to inform the public that the shop sells lingerie. The ad does not depict any nudity, and is similar in nature to the ads found in the Harris Scarf and K mart brochures, which have been photographed and attached for your reference. These brochures are also providing information to the public about products available for purchase in store. Our ad is no more suggestive, nor inappropriate than the ad for women's lingerie, in the Harris Scarf and K Mart brochures.

As a legal, council approved business and premises, the store has the right to advertise, and has always done so in an appropriate manner. The ads that are placed by the store in local media, are designed by staff at The Mercury (newspaper) and are then provided to The Adult Warehouse for approval prior to print. The "Advertiser" (sub paper to the "Mercury") is a Fairfax owned paper and has a circulation of over 90,000 in the Illawarra region.

The Fairfax group have very clear guidelines regarding the standard of the material they put to print, and they would not include any material in their newspapers that was in their view, unsuitable.

With regard to the AANA Code of Ethics, Section 2, in our opinion, the ad does not breach any clause noted under Section 2, nor the AANA Code for Advertising & Marketing Communications to Children for all the reasons noted above.

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 models used in this advertisement are under the age of 18 and advertising an adult store.

The Board noted the advertiser response. The Board viewed the advertisement and considered that while the women in the advertisement are young there is no suggestion in the advertisement that they are under the age of 18. The Board noted that the advertised product is women's lingerie and that it is not inappropriate to depict women wearing lingerie. The Board noted that the women in the advertisement are posed in a sexually suggestive manner. The Board noted that this advertisement is in a newspaper and that the audience will tend not to include younger children. The Board considered that this 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.