



CASE REPORT

1. Complaint reference number	397/05
2. Advertiser	Bugal Pty Ltd (Mobilemojo - lesbians)
3. Product	Telecommunications
4. Type of advertisement	Print
5. Nature of complaint	Portrayal of sex/sexuality/nudity – section 2.3
6. Date of determination	Tuesday, 14 February 2006
7. DETERMINATION	Upheld – discontinued or modified

DESCRIPTION OF THE ADVERTISEMENT

The advertisement is a small picture which is part of a full page of small pictures advertising wallpaper, ring tones and other mobile phone accessories. The picture in question is titled: ‘*Sexplosion*’ and ‘*Karma Sutra*’. The picture portrays two naked women kneeling. One woman is behind the other woman. The women have open mouths, tongues protruding and are evidently kissing. The woman in front is facing the viewer with breasts displayed. The woman behind has her arms around the woman in front and her hands are at the woman in front’s genital region.

THE COMPLAINT

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

“The subject matter is highly adult and the nudity is depicted outside an artistic context.”

THE ADVERTISER’S RESPONSE

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

“Product items 3970170 and 3979070 are two of our top sellers, and they are obviously for adults, as we could see that New Idea magazine is NOT aimed at young readers.”

“The ad was published with sensitivity to the relevant audience, who in this case are intelligent and affluent women.”

“We are aware that we have observed the AANA Advertiser Code of Ethics carefully, adhered to the Pacific Magazines’ advertising policy, studied the nature of the New Idea Magazine as well as its target readers, and we certainly meant no harm in our advertisement.”

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 whether this advertisement treated sex, sexuality and nudity with sensitivity to the relevant audience and the relevant programme time zone/newspaper audience.

The Board also noted that, although targeted towards an adult female readership, the magazine was freely available for purchase by persons of any age. The Board considered that this picture was pornographic in nature and not appropriate to an unrestricted audience.

The Board upheld the complaint.