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‘NIRVANA BABY’ SPENCER ELDEN SEEKS JUSTICE FOR COMMERCIAL CHILD EXPLOITATION

Attorneys For Spencer Elden Available for Comment

(CALIFORNIA) – Yesterday, the Marsh Law Firm filed a federal complaint in the United States District Court in the Central District of California against the notorious grunge band Nirvana on behalf of their client, Spencer Elden, who was the infant subject of Nirvana’s breakout album *Nevermind* which was released almost 30 years ago. Spencer Elden was exploited as a child and was never able to give consent when a picture exposing his naked genitals was used on the cover of *Nevermind* – an album that has since sold over 30 million copies.

Nirvana’s commercial success was largely due to *Nevermind* and *Nevermind*’s commercial success was due to the controversial cover art which depicted Spencer Elden, naked grabbing for a dollar bill that is positioned dangling from a fishhook in front of his exposed body with his penis explicitly displayed.

"Nirvana exploited me when I was a baby to sell their music, but there is a person behind every image," said **Spencer Elden**. "I'm just asking the band to do what they should have done 30 years ago and redact my genitals from the image out of respect for my privacy. If the world could forget about it, then maybe I could forget about it too."

Attorneys for Spencer Elden from the Marsh Law Firm are available for comment and released the following statement:

"Our client Spencer Elden never had a choice. Nirvana’s use of our client’s picture in their album cover is nothing less than child exploitation. This is an issue of consent – something that our client never had the opportunity to give.

Our lawsuit contends that the cover art to Nirvana’s Nevermind album is commercial child pornography depicting our client Spencer Elden. The album art constitutes a lascivious depiction of Spencer’s genitals which are the focal point of the image. Based on well-established case law, a lascivious depiction of a child’s genitals can be considered child pornography; overt sex acts are not required. The explicit nature of the Nevermind album cover, which has always been controversial, meets the legal definition of commercial child pornography.

The concept and creation of this image replicated other controversial campaigns used to promote music with sexually explicit material depicting a child or outright child pornography, including the album covers for Scorpion’s Virgin Killer, Blind Faith’s Blind Faith, and Van Halen’s Balance.

Nirvana used commercial child pornography depicting Spencer as an essential element of a record promotion scheme commonly utilized in the music industry to get attention wherein album covers posed children in a sexually provocative manner to gain notoriety, drive sales, and garner media attention, and critical reviews. And it worked.

The now iconic Nevermind album cover image of Spencer has become one of the most-recognized album covers of all time in direct violation of Spencer's privacy interests. Nevermind quickly went platinum and sold over 30 million copies. The hit single Smells Like Teen Spirit sold over 8 million copies worldwide.

Spencer's image created massive commercial success for Nirvana for which Spencer never received any compensation.

Neither Spencer nor his legal guardians ever signed a release authorizing the use of any images of Spencer or of his likeness, and certainly not of commercial child pornography depicting him for worldwide distribution."