



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

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| 1 | Case Number | 0086/18 |
| 2 | Advertiser | Tattoo asylum |
| 3 | Product | Professional Service |
| 4 | Type of Advertisement / media | Outdoor |
| 5 | Date of Determination | 21/02/2018 |
| 6 | DETERMINATION | Upheld - Not Modified or Discontinued |

ISSUES RAISED

- 2.2 - Objectification Exploitative and degrading - women
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

The poster advertisement features a cartoon woman in a straitjacket and underwear.

THE COMPLAINT

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

Degrading to women, pornographic, sadistic, my child is in car and views it.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:



The image used in our signage is of a woman sitting on the ground restrained in a straight jacket. This image correlates to our name "Tattoo Asylum". The complaint assumes that the woman is sitting in her own urine, however this is not the case. The black mark underneath her is meant to be a shadow. We have however been notified previously that it does look like urine, and we are in the process of phasing out that part of the image in our signage.

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 concerns that the advertisement was degrading to women.

The Board viewed the advertisement and noted the advertiser's response.

The Board considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: "Advertising or marketing communications should not employ sexual appeal: (a) where images of Minors, or people who appear to be Minors, are used; or (b) in a manner which is exploitative and degrading of any individual or group of people."

The Board noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:

"Exploitative - means clearly appearing to purposefully debase or abuse a person, or group of persons, for the enjoyment of others, and lacking moral, artistic or other values.

Degrading – lowering in character or quality a person or group of people."

The Board noted that in order to breach this Section of the Code the images would need to be using sexual appeal in a manner that is considered both exploitative and degrading.

The Board noticed the advertisement was on the widows of the store. The advertisement features a cartoon image of a woman from behind. The woman is sitting crossed legged on the ground in a straitjacket and a g-string and had a tattoo of a rose on her leg.



The Board noted the complainant's concerns that the advertisement showed a woman sitting in her own urine. The Board noted the advertisers response that this was the woman's shadow and considered that this was the most likely explanation.

The Board noted the complainant's concern that this image was degrading to women, pornographic and sadistic.

The Board noted the depiction of the woman in a straitjacket was probably intended as a link to the name of the business, tattoo asylum, and may not have been intended to be a depiction which debases a person for the enjoyment of others.

However, the Board considered that the position of the woman from behind, with no pants on and her underwear visible was a depiction which contained sexual appeal.

The Board considered that depicting a woman in a straitjacket with no pants on is a depiction which purposely debases the woman and lowers her in quality.

The Board noted that this was a cartoon image designed to represent the building but considered that it was lacking in sufficient moral or artistic values to change the overall degrading impression of the image. Furthermore because the cartoon image was an idealised one, and not of a real person, it could be interpreted as a depiction of unacceptable attitudes towards all women.

The Board considered this was a depiction which employed sexual appeal in a way which was clearly exploitative and degrading of the woman and did breach Section 2.2 of the Code.

Finding that the advertisement did breach section 2.2 of the Code, the Board upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

Advertiser did not provide a response.

INDEPENDENT REVIEWER'S RECOMMENDATION



THE DETERMINATION ON REVIEW

ADVERTISER'S RESPONSE TO IR DETERMINATION