



Case Report

1	Case Number	0097/12
2	Advertiser	Rowes Tattoos
3	Product	Professional services
4	Type of Advertisement / media	Billboard
5	Date of Determination	28/03/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

Image of a woman wearing shorts and a bikini top with one leg raised up so her foot can rest on something. The woman has lots of tattoos and the wording reads, "Rowes Tattoos. Turn right Beenleigh Road. 0407 354 779."

THE COMPLAINT

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

Object to this billboard being displayed in the front yard of a house - 2 houses up from a primary school. Initially the billboard was free-standing. The local Council attended and found it to be unlawful. Since then the billboard has been attached to a trailer. For the past two weeks+ this billboard has been at the very front of the property facing out onto Mains Road (huge amount of traffic) in view of anyone bringing their small children to the school.

THE ADVERTISER'S RESPONSE

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

I would like to take this opportunity to respond to a complaint received via the Advertising Standards Bureau regarding my signage on Mains Road, Sunnybank Hills.

I have read through Section 2 of the AANA Advertiser Code of Ethics and do not believe that I am in breach of this code. As you can see this is an attractive young woman who is clothed in a bikini top and shorts, she is carrying no items of a sexual nature and there are no comments on my signage of a sexual nature, only the shops address and my mobile number. There is nothing violent or discriminative depicted in this picture. I believe the only difference to my ad than that of a "Swimwear Ad" is that my lady has visible tattoos and she has a leg raised to show the tattoos more clearly. I am sure some consumers see tattoos on women as "Scantly Clad".

I am a local resident of Sunnybank Hills and opened my Tattoo Shop about 6 months ago. As it is a new business I chose to advertise by way of signage on Mains Road as it is within walking distance to my shop. Since the sign has been displayed I have received an excellent response from both men and women of all ages. I am also a father of two girls whom I have the upmost respect for and with this in mind I would never intentionally do anything to offend or upset children. I do not believe that my signage is suggestive of anything other than tattoos look good on everyone!

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 is inappropriate for a broad audience which includes children.

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

The Board considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience".

The Board noted that the advertisement features an image of a tattooed woman wearing a bikini top and shorts.

The Board noted that it was reasonable for an advertiser to depict its products being modelled in its advertising i.e. tattoos. The Board considered that the pose of the model in the image is in keeping with a strong and empowered woman showing her body art in a manner which makes both the art and herself appear attractive. The Board considered that the image of the woman is not sexualised and is not sexually seductive.

The Board noted that the billboard is placed in an area where children are likely to see it and considered that the content of the advertisement is not inappropriate for a broad audience including children. The Board noted that the woman's breasts are covered by the bikini top and that the focus is on her tattoos.

Considering that the advertisement was not a sexualized image, and that the woman is modelling the advertised product, the Board considered that most members of the community would not find the imagery offensive. The Board determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and that it did not breach Section 2.4 of the Code.

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