



**ADVERTISING  
STANDARDS  
BUREAU**

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## Case Report

<b>1</b>	<b>Case Number</b>	<b>0120/11</b>
<b>2</b>	<b>Advertiser</b>	<b>Cartridge World</b>
<b>3</b>	<b>Product</b>	<b>Office goods/services</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Transport</b>
<b>5</b>	<b>Date of Determination</b>	<b>13/04/2011</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.3 - Sex/sexuality/nudity      Treat with sensitivity to relevant audience

### DESCRIPTION OF THE ADVERTISEMENT

Photograph on a car of a printer which is in the process of printing out an image. One photograph shows that the image being printed is of an apparently naked woman who has her folded arms covering her breasts. The image has stopped printing just below her belly button. The second photograph is of an apparently naked man with tattoos across his shoulder and arm. Again, the image has stopped printing just below his belly button. The accompanying text for both reads, "Out of ink?"

### THE COMPLAINT

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

*It is soft porn for anyone (kids included) to view. And it seems to be promoting the idea of printing porn off the internet.*

### THE ADVERTISER'S RESPONSE

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

*Cartridge World's 'Out of Ink' campaign is made up of three ads on air in various markets since 2008, which include a male version, a female version and also a family photo version. The male and the female TV commercials both received 'M' classifications, with the stations instructed to run these commercials specifically within the appropriate time parameters. The family photo version (G classification) was designed to run in family friendly time zones. We have specifically produced different commercials to suit different demographics. The response in the Darwin market in particular was very good and as a matter of leveraging the message, the store had the vehicles livery changed to suit this and as such developed a static version of the male and female advertisement.. Attached are versions of the vehicle for the Boards review. The TVC's have also been reviewed previously by the board for which we have appreciated the feedback. It has never been Cartridge World's intention to embarrass or offend. We look forward to your advice.*

## **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 features pornographic imagery and is encouraging the printing of pornography.

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

The Board considered whether the advertisement was in breach of section 2.3 of the Code. Section 2.3 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone".

The Board noted that one image is of a man, the other is of a woman, and both appear not to be wearing any clothes although only their top halves are visible. The woman's breasts are covered by her arms. The images show the upper torsos of the man and woman and the accompanying text reads, "Out of ink?"

The Board noted that it had previously dismissed complaints about these images when they featured in a television advertisement (315/08). The Board noted that this time the advertisements are displayed on a vehicle and noted that the potential audience would be wider.

The Board considered that the images, although unclothed, are not sexually suggestive or sexualised, with the man and woman both posed in a manner that was not, in the Board's view, sexualised. Although the advertisement could be seen to be suggestive of nudity of the man and the woman, the Board noted that the bottom half of the people is not depicted. The Board considered that these images of a man and a woman as posed were not overtly sexualised and were not inappropriate for the broad audience that might view them. The Board also considered that the caption 'Out of ink?' was suggestive of printing a photo of the

man or the woman. The Board considered that this suggestion was not a suggestion of printing pornographic material and that the clear message of the advertisement is that the advertiser will provide ink for printers when there is material that needs printing.

The Board considered that most members of the community would not find the imagery to be offensive and determined that the 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.