



**ADVERTISING
STANDARDS
BOARD**

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Case Report

1	Case Number	0146/17
2	Advertiser	Thendro Pty Ltd
3	Product	Professional Service
4	Type of Advertisement / media	Poster
5	Date of Determination	12/04/2017
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

- 2.1 - Discrimination or Vilification Religion
- 2.3 - Violence Violence

DESCRIPTION OF THE ADVERTISEMENT

An image of a cross with a hand nailed to it. The text refers to the sale details and the store "Get Nailed Piercings - \$5". Ends 15th April.

THE COMPLAINT

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

As a Christian I don't think it is appropriate to be making light of the crucifixion especially this close to Easter.

The advertisement clearly links the promotion of body piercing services to the crucifixion of Christ, even to the extent of a special offer ending Easter Saturday. The use of crucifixion imagery in this way, particularly at Easter, is offensive and sacrilegious to Christians.

THE ADVERTISER'S RESPONSE

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

Complaint:

“The advertisement clearly links the promotion of body piercing services to the crucifixion of Christ, even to the extent of a special offer ending Easter Saturday. The use of crucifixion imagery in this way, particularly at Easter, is offensive and sacrilegious to Christians.”

We believe that this complaint is frivolous. Our poster is not intended to be offensive.

1. The complainant assumes we are referring to the crucifixion of Christ in our poster. You will note that in depictions of Christ’s crucifixion, his hands appear at the ENDS of the cross. In the poster displayed in our stores, the hand appears at a crossing point of two posts and is vertical not angled the way Christ’s hand is depicted in crucifixion images.

2. Crucifixion was quite common around 2000 years ago. We have made no references to Christ so I cannot see why the complainant assumes that we are referring to the crucifixion of Christ. Does he recognize the hand? In fact as the story goes, even at the time of Christ’s crucifixion there were two others crucified. Christians do not have a monopoly on crucifixion, even though they think they do. Julius Caesar in fact crucified hundreds of people.

3. This poster is part of a two part promotion. The second part is the resurrection sale which shows the hand of our Zombie nailed to what is clearly NOT A CROSS.

4. The movie “The Life of Brian” was a satire. It was very funny, though I am certain some Christians found it offensive. Another movie, “The Passion of the Christ” was also offensive to some, and very controversial, however these movies were allowed to screen. There will always be someone who will take offense.

5. The reference to violence I believe to also be irrelevant. The hand is simply nailed to the post. We are not depicting the action of the nailing.

6. Our “Get Nailed” marketing campaign was meant to be just that; a campaign targeting our customers and our demographic. We don’t sell buns with crosses on them, nor do we sell chocolate rabbits. We sell Body Piercing and alternative clothing. Our promotion started on 10th March and ends at the end of April, to take in the school holidays. Many businesses have an Easter Sale, and I guess this is our version of the same.

THE DETERMINATION

The Advertising Standards Board (the “Board”) considered whether this advertisement breaches Section 2 of the Australian Association of National Advertisers Code of Ethics (the “Code”).

The Board noted the complainant’s concern that the advertisement uses imagery associated with the crucifixion of Christ which is offensive and sacrilegious.

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

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.'

The Board noted that this television advertisement features an image of a hand nailed to a cross with details of the sale on the poster. The text in the middle reads "Get Nailed \$5 piercings."

The Board noted the complainants concerns that the advertisement links the promotion of body piercing services to the crucifixion of Christ.

The Board noted that the crucifixion of Christ is a central tenet to the Christian faith and that images of the crucifixion are widely recognised in the community as being images of this event in the Christian faith.

The Board noted that they had previously considered a case for Heaven's Hell Industries (359/13) where the advertisement featured a recitation of an Islamic call to prayer with a female voiceover describing an alcoholic beverage "liquid gold Vodka". The woman's voice is spoken in a slow and sultry tone.

In the case mentioned above, the Board noted that "a strong association between a fundamental religious belief and a product that is contrary to that belief is disrespectful and offensive to the Muslim community. The Board agreed that to promote alcohol in connection with a prayer tradition was a depiction of material that vilified a section of the community, on the basis of their religion and that the advertisement did breach Section 2.1 of the Code."

Similarly, in this advertisement, in the Board's view, the use of the image of a hand being nailed to a cross to promote body piercing services trivialises and is mocking of the significance of the crucifixion. The Board considered that the use of the term "get nailed" in large font in the centre of the image is demeaning and further adds to the trivialisation of the important part of the Christian faith.

Overall the Board considered that the advertisement did depict material in a way which discriminates against or vilifies a person or section of the community on account of religion and did breach Section 2.1 of the Code.

The Board then considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Board noted the poster image is a drawing of a hand and nail. The Board considered that the image of a hand nailed to a cross is a confronting image and the amount of blood from the hand adds to the overall impact of the image.

The Board noted that piercings and tattooing in general do not amount to this level of blood

loss and the portrayal of a hand wounded in this way has no relevance to the service being promoted. The Board noted that overall the image and the words do amount to a depiction that is not justifiable in the context of the service advertised and did breach section 2.3 of the Code.

Finding that the advertisement did breach the Code on the above mentioned grounds, the Board upheld the complaints.

THE ADVERTISER'S RESPONSE TO DETERMINATION

This advertisement has been removed from circulation.