



CASE REPORT

1. Complaint reference number	473/09
2. Advertiser	Bisazza Aust P'L (Geisha)
3. Product	Other goods/services
4. Type of advertisement	Print
5. Nature of complaint	Portrayal of sex/sexuality/nudity – section 2.3
6. Date of determination	Wednesday, 14 October 2009
7. DETERMINATION	Upheld – discontinued or modified

DESCRIPTION OF THE ADVERTISEMENT

This print advertisement features the photography of Nobuyoshi Araki. It is an image of a tied up Geisha woman, lying on a floor of colored tiles.

THE COMPLAINT

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

It is offensive and an extreme example of the sexualisation of women to sell product, particularly as it has violent overtones.

If it is largely women that the product is aimed at given the magazine, what possesses them to think that it is either ok or would attract new customers to have women in poses that would suggest they are about to be assaulted. I did not pick up a bondage magazine, I picked up Vogue!!!

THE ADVERTISER'S RESPONSE

The advertiser declined to provide a response. The Board considered the complaint.

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 regarding the insensitivity and confronting nature of the photo, which depicted a tied-up Geisha woman who was depicted lying on the tiled floor with a distressed expression and her skirt revealing the upper portion of her thighs.

The Board viewed the advertisement and noted that the woman appeared to be distressed and bound against her will. The Board noted that the photograph had been taken by a professional artistic photographer namely, Nobuyoshi Araki whose has been stated to be one of Japan's greatest photographers and certainly its most controversial, known for his work which often challenges social taboos surrounding sex and death, and has drawn critical attention both at home and abroad. The Board noted however that regardless of the artistic merits of an advertisement the Board must consider whether its content is inline with Australian Community Standards.

The Board considered whether the advertisement was in breach of section 2.2 of the Code. Section 2.2 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 majority of the Board agreed that most members of the relevant audience of the advertisement would not be aware that this image is from an internationally recognised photographer. The Board considered that the woman was portrayed in a manner that suggested she was bound against her will and considered that this portrayal was offensive and exploitative towards those female members of the community who may be or have been victims of sex crimes, sex violence, physical abuse or sex slavery, and is suggestive of violence. The Board noted that this advertisement was for the tiles and that although the colors of the woman in the image were similar to the colors of the tiles, the Board felt that the image was very disturbing and that the suggestion of violence was not relevant to the product being advertised. Finding that the advertisement was in breach of section 2.2 of the Code the Board upheld the complaint.

ADVERTISER RESPONSE TO DETERMINATION

The Advertiser advised that the advertisement will not be used again.