

<b>COMPLAINT NUMBER</b>	16/388
<b>COMPLAINANT</b>	S Smart and R Dearden
<b>ADVERTISER</b>	Why Not Tattoos
<b>ADVERTISEMENT</b>	Why Not Tattoos Vehicle
<b>DATE OF MEETING</b>	13 December 2016
<b>OUTCOME</b>	Upheld

## **SUMMARY**

The Complaints Board ruled the complaint was Upheld.

The vehicle for Why Not Tattoos featured sexualised imagery of topless women. The back of the van included the name of the business and a contact phone number.

The Complainants said the advertising was inappropriate and offensive for the side of a vehicle that anyone could see, including children. No response was received from the Advertiser.

Taking into account the wide range of people that could potentially view the advertisement the Complaints Board said the advertisement was likely to cause serious or widespread offence to most people and had not been prepared with a due sense of social responsibility to consumers and to society.

### **[Advertisement to be removed]**

Please note this headnote does not form part of the Decision.

---

## **COMPLAINTS BOARD DECISION**

The Chair directed the Complaints Board to consider the advertisement with reference to Basic Principle 4 and Rules 4 and 5 of the Code of Ethics. This required the Complaints Board to consider whether the advertisement contained anything that was likely to cause serious or widespread offence to most people, taking into account generally prevailing community standards. The Complaints Board was also required to consider whether the advertisement had been prepared with a due sense of social responsibility to consumers and to society.

### **The Complaints Board ruled the complaint was Upheld**

#### **The Complaint**

Two complainants raised similar concerns about the explicit nature of the images on the side of the vehicle showing topless women in sexualised poses.

### **The Advertiser's Response**

The Complaints Board noted numerous attempts by the Secretariat to contact the Advertiser for a response to the complaint; however, no response had been received by the deadline given.

### **The Complaints Board's Discussion**

The Complaints Board viewed a photograph of the image on the side of the vehicle and agreed the imagery was explicit, provocative and offensive due to its medium and was widely accessible by a varied audience.

Taking into account the wide range of people that could potentially view the advertisement, the Complaints Board said the advertisement was likely to cause serious or widespread offence to most people and had not been prepared with a due sense of social responsibility to consumers and to society.

Therefore, the Complaints Board ruled the advertisement was in breach of Basic Principle 4 and Rules 4 and 5 of the Code of Ethics.

Accordingly, the Complaints Board ruled to Uphold the complaint.

## **DESCRIPTION OF ADVERTISEMENT**

The vehicle for Why Not Tattoos featured sexualised imagery of topless women. The back of the van included the name of the business and a contact phone number.

### **COMPLAINT FROM S SMART**

This image on the side of the van is inappropriate and really unsuitable for children to be driven around the streets of New Plymouth. I would wish my Children would not be able to see such things.

### **COMPLAINT FROM R DEARDEN**

Saw this vehicle at the Gover St/Courtenay St intersection in down town New Plymouth. I find the image on the rear right hand side of the van to be sexually explicit, and offensive and I would be concerned that children would be able to see this image.

As this vehicle is advertising a business (see rear window of van) I believe the images on the side of the van are also part of the advertising for the tattoo artist.

### **CODE OF ETHICS:**

**Basic Principle 4:** All advertisements should be prepared with a due sense of social responsibility to consumers and to society.

**Rule 4: Decency** - Advertisements should not contain anything which clearly offends against generally prevailing community standards taking into account the context, medium, audience and product (including services).

**Rule 5: Offensiveness** - Advertisements should not contain anything which in the light of generally prevailing community standards is likely to cause serious or widespread offence taking into account the context, medium, audience and product (including services).

**RESPONSE FROM ADVERTISER: WHY NOT TATTOOS**

Despite a number of attempts by the Secretariat to contact the Advertiser, no response was received.