



## **CASE REPORT**

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|-------------------------------|------------------------------------------------------------------------------------------|
| 1. Complaint reference number | 37/09                                                                                    |
| 2. Advertiser                 | Jetty Surf                                                                               |
| 3. Product                    | Clothes                                                                                  |
| 4. Type of advertisement      | Print                                                                                    |
| 5. Nature of complaint        | Violence Hooliganism/vandalism/graffiti – section 2.2<br>Health and safety – section 2.6 |
| 6. Date of determination      | Wednesday, 11 February 2009                                                              |
| 7. DETERMINATION              | Upheld – discontinued or modified                                                        |

### **DESCRIPTION OF THE ADVERTISEMENT**

*This print advertisement from Jetty Surf for its shoe range shows a skate board rider riding his skateboard on the boot of a taxi. The taxi is parked in a car park outside a store. A logo is in a black section at the left of the image. The person riding the skateboard does not have any protective gear.*

### **THE COMPLAINT**

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

*Shows skate boarder riding a skate board on a taxi. This is extremely provocative. Showing young impressionist men that it is OK to do this and to damage taxis. Violence against taxis and the drivers is of high concern within the industry. This advertisement is not in the right spirit. Thank you in hope that some action will be taken.*

### **THE ADVERTISER'S RESPONSE**

*Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:*

*We assure you that DC Shoes, Inc and its Australian subsidiary, DC Shoes Australia Pty Ltd (together "DC"), take their community and legal obligations very seriously.*

*By way of background, the Advertisement was developed by DC Shoes, Inc in the USA and then selected by DC Australia for its 2008 advertising campaign. DC Australia then authorized Jetty Surf to publish the Advertisement in its Summer catalogue.*

*Like numerous advertisements in various forms of media, the Advertisement depicts an eye-catching, non-real life scenario. DC is a youth-focused brand and we believe that the Advertisement portrays an irreverent take on a skateboarding manoeuvre. The Advertisement was not intended to be a realistic representation of skateboarding, nor was it intended to encourage dangerous and destructive conduct.*

*When the Advertisement is considered in this context, and interpreted in the irreverent manner in which it was intended, we do not believe that the Advertisement portrays violence or property damage towards taxis and/or taxi drivers in breach of Section 2 of the AANA Advertiser Code of Ethics.*

### **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 complainants' concerns that the advertisement's depiction of a skateboarder on top of a taxi may encourage reckless and potentially damaging or violent behaviour towards taxis and their drivers. The Board considered the application of Section 2.6 of the Code, relating to prevailing community standards on health and safety and Section 2.2, relating to violence (hooliganism).*

*The Board considered that the depiction of a young man riding on a skateboard in a public place (akin to a service station or car park) on a taxi boot and without any safety gear was a depiction of unsafe behaviour that is contrary to prevailing community standards on safety. Consistent with a number of other decisions regarding the depiction of unsafe behaviour in advertisements, the Board considered that this advertisement is a depiction of material that contravenes prevailing community standards on public safety and is in breach of section 2.6 of the Code.*

*The Board also considered whether the advertisement depicted or was suggestive of violence against taxi drivers. Some members of the Board considered that the advertisement depicted a fantasy scenario, that is part of teen focused advertising, and that the suggestion that this depiction would encourage young men to undertake similar behaviour was of itself derogatory to young people. However the majority of the Board thought that the image was realistic and depicted behaviour that is anti-social. The Board considered that the advertisement could be considered suggestive of violence towards taxi drivers or at least of behaviour that could be found threatening and that this type of behaviour is a documented problem in some parts of Australia. Consistent with its decisions on depiction of similar anti-social behaviour in another advertisement the Board determined that this advertisement did depict violence in breach of section 2.2 of the Code.*

*Determining that the Board breached sections 2.2 and 2.6 of the Code, the Board upheld complaints against the advertisement.*

#### **ADVERTISER'S RESPONSE TO DETERMINATION**

*Comments which the advertiser made in response to the determination regarding this advertisement included the following:*

*On behalf of DC Shoes Australia Pty Ltd, I confirm that we have ceased distribution of the advertisement in question and will no longer be using the advertisement to promote DC Shoes in Australia. Some third party DC retailers may, however, still be displaying the advertisement in-store.*

*Despite the Board's decision to uphold the Complaint, we feel very strongly that the advertisement in question does not portray violence or depict material contrary to prevailing community standards on health and safety.*

*We believe it is obvious that the scene portrayed in the advertisement is a stunt scene and not a depiction of reality and when compared to the images continuously displayed in the media we feel that there is no potential for the advertisement to influence young people into behaving recklessly.*

*We apologize to any individuals who misconstrued the spirit of the advertisement or were offended by its content as this was not our intention.*