



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0024-22</b>
<b>2. Advertiser :</b>	<b>Afends Clothing</b>
<b>3. Product :</b>	<b>Clothing</b>
<b>4. Type of Advertisement/Media :</b>	<b>Poster</b>
<b>5. Date of Determination</b>	<b>2-Feb-2022</b>
<b>6. DETERMINATION :</b>	<b>Upheld – Modified or Discontinued</b>

### ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

### DESCRIPTION OF ADVERTISEMENT

This poster advertisement features a man and woman standing in an area with large green plants. The man has a rolled cigarette in his mouth. Text on the poster states "Sustainability through innovation, action and positive change. Be defined by what you create, not what you destroy". Below the text is information on the benefits of hemp and the benefits of organic cotton.

### THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

*The male in the background smoking what appears to be marijuana. This poster is in a high traffic area for all to see and the use of smoking marijuana is unnecessary in promoting the product of clothing.*

### THE ADVERTISER'S RESPONSE

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

*Advertiser did not provide a response.*

### THE DETERMINATION



The Ad Standards Community Panel (Panel) considered whether the advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement depicts a man smoking marijuana.

The Panel viewed the advertisement and noted the advertiser did not provide a response.

**Section 2.6: Advertising shall not depict material contrary to Prevailing Community Standards on health and safety.**

The Panel noted that the advertisement featured a depiction of what look to be cannabis plants and a man smoking a rolled cigarette which is commonly used for marijuana. The Panel noted that the plants may not be cannabis and the man may not be smoking marijuana, but considered that the intent of the advertisement is to suggest that scene, and that that is the most likely interpretation of the advertisement.

The Panel noted that while some jurisdictions may have lowered the regulatory threshold for the use of cannabis, smoking and cannabis use is generally viewed as contravening prevailing community standards.

The Panel considered that it has consistently upheld complaints about advertising which showed people smoking cigarettes, such as in cases 0331-19, 0164-20 and for the same advertiser in case 0205-20. In these cases the Panel has considered that while the community tolerates a level of smoking it does not tolerate images which promote smoking as glamorous or fashionable.

In the current advertisement the Panel noted that the overall impression of the advertisement was aspirational. The Panel considered that the style of the advertisement indicated that hemp, and by extension marijuana is environmentally friendly and positive, and amounted to a suggestion that smoking of either tobacco or cannabis is a desirable activity. The Panel noted that hemp and marijuana are not the same, but considered that many viewers of the advertisement would not be familiar with such nuances.

The Panel considered that it had also consistently determined that advertisements which depict or condone illegal drug use is against prevailing community standards on health and safety (0074-21, 0205-20, 0164-20, 0077-20 and 0495-18).

In the current advertisement the Panel considered that cannabis use is still illegal in the majority of Australia. The Panel considered that the advertisement contains a clear suggestion of recreational drug use through the use of the man smoking and the plants visible. The Panel considered that the images are positive and aspirational and present drug use in a positive light.



### **Section 2.6 conclusion**

The Panel considered that the advertisement did contain material contrary to Prevailing Community Standards on health and safety and determined that it did breach Section 2.6 of the Code.

### **Conclusion**

Finding that the advertisement did breach Section 2.6 of the Code the Panel upheld the complaint.

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

We have removed the image from the area. That image is no longer in the public eye.