



Case Report

1	Case Number	0410/12
2	Advertiser	De Rucci Bedding
3	Product	Retail
4	Type of Advertisement / media	Billboard
5	Date of Determination	24/10/2012
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

2.6 - Health and Safety Depiction of smoking/drinking/gambling

DESCRIPTION OF THE ADVERTISEMENT

Billboard featuring an image of a man holding a pipe and a picture of a bed beneath him. The text reads, "De Rucci Beddings Global Customer Service hotline: 001186+ 400-777-0077 www.deRUCCI.com".

THE COMPLAINT

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

It would appear that tobacco is being used in the advertisement, which I would have thought was illegal.

THE ADVERTISER'S RESPONSE

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

Thank you for informing me the issue of our outdoor billboard campaign.

The creative running on our outdoor billboard campaign is promoting De Rucci Beddings and also contains the image of our designer. Its purpose is not to advertise smoking of Tobacco in any way? And I was not aware that an issue would arise when the billboard was

posted.

If in any case the Advertising Standards Bureau wish for the creative to be removed please let me know.

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 that the advertisement depicts a man smoking a pipe which is inappropriate and illegal.

The Board viewed the advertisement and noted the advertiser’s response.

The Board considered whether the advertisement was in breach of Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted the advertisement features an image of a man with a pipe being held in his mouth.

The Board noted that its role is not to determine whether an advertisement complies with the provisions of relevant legislation related to advertising cigarettes or tobacco products.

In relation to the advertisement’s compliance with the Code of Ethics the Board considered whether the depiction of a person who appears to be smoking a pipe was a depiction of material that contravened prevailing community standards on health and safety. The Board noted that government policy is to reduce the exposure of the public to messages and images that may persuade them to start or continue smoking or use tobacco products. The Board considered that while the community tolerates a level of smoking it does not tolerate images which promote smoking as glamorous or fashionable.

The Board noted the advertiser's response that the man in the image is a picture of the designer of the product. The Board noted that the man is presented in a manner that is sophisticated and formal. He is seated on a formal chair and is wearing a business style shirt.

The Board affirmed its strong view that images glamorising smoking should not be permitted and amounts to a depiction of material contrary to prevailing standards on community health and safety and contravene section 2.6 of the Code.

Consistent with previous decisions (521/10, 131/11 and 140/12) the Board considered that the depiction of the gentleman of smoking did glamorize smoking and is contrary to community standards on health and safety regarding smoking.

The Board determined that the advertisement did breach of Section 2.6 of the Code.

ADVERTISER RESPONSE TO DETERMINATION

The advertiser has agreed to have the advertisement removed as soon as possible. Modified artwork is being commissioned and installed.