



Case Report

1	Case Number	0521/10
2	Advertiser	One Teaspoon
3	Product	Clothing
4	Type of Advertisement / media	Internet
5	Date of Determination	19/01/2011
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

2.6 - Health and Safety within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

A woman wearing a black bodice style top has one hand on her hip and the other hand is holding a cigarette. She is looking directly at the camera lens and is blowing smoke from her mouth.

THE COMPLAINT

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

In this advertisement the girl seen wearing the items being advertised is smoking a cigarette. I feel this glamorises the smoking habit and makes it seem 'cool' and have a strong concern for the viewers seeing this as this fashion/clothing line is aimed particularly at teenage girls and young women.

Because the clothing line is seen as rebellious and fashionable I feel the girls wanting to purchase these items may also feel the need to take up smoking to appear as 'cool' and fashionable as the girl in the photo. Therefore it is encouraging younger generations to impersonate this image and to take up the habit of smoking for an image they may want to portray which will affect their health especially if taken up at such a young age.

THE ADVERTISER'S RESPONSE

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

There was no "advertisement" using this shot. It was used as a lookbook shot only and used only in the internal pages. The shot wasn't ever used as the branding image for a cover or Homepage.

We do our photoshoots internally. We do not have an advertiser, media buyer or creative agency, as we don't do any direct advertising.

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 concern that the advertisement glamourises smoking and is inappropriate particularly as the fashion brand is aimed at teenage girls and young women.

The Board considered whether the advertisement was in breach of section 2.3 and 2.6 of the Code.

The Board noted that the advertisement is an image on the advertiser’s own website. The Board noted that material placed on an advertiser’s own website will be considered to be advertising or marketing communications ‘where it is drawing the attention of the public or a segment of it to a product...in a manner calculated to promote the product.’ The Board considered that the placement of this image, as part of a range of clothing offered for sale by the advertiser is within the scope of the Code of Ethics and therefore the Board.

The Board noted that the advertisement depicts a woman smoking a cigarette. The Board considered that the advertisement glamourised smoking and noted that it has previously determined that it is a breach of prevailing community standards on health for an advertisement to glamourise smoking. The Board considered that in this case the depiction of the woman with a cigarette is a depiction that glamourises smoking and is in breach of prevailing community standards on health on health and safety. The Board determined that the advertisement breached section 2.6 of the Code.

The Board then considered whether the advertisement was in breach of section 2.3 of the Code.

Section 2.3 of the Code states that advertising or marketing shall treat sex, sexuality and nudity with sensitivity to the relevant audience and where appropriate, the relevant program time zone. The Board considered that the image of the woman in the advertisement was not

inappropriately sexualized for the audience to which it was available and likely to be viewed and that the advertisement did not breach section 2.3 of the Code.

Finding that the advertisement breached section 2.6 of the Code the Board upheld the complaint.

ADVERTISER RESPONSE TO DETERMINATION

We would like to advise that we removed the offending image from the website the day that we initially received the complaint advice from you. This image was never designed for any advertising purposes. It was a shot from an internal catalogue that is only used to show wholesale retailers and is not meant for the end consumer. We regret any offense that may have been caused and agree that the act of smoking is not something that should be promoted. We will ensure that this does not happen again and thank the Advertising Standards Bureau for their advice in this matter.