



CASE REPORT

1. Complaint reference number	10/08
2. Advertiser	Dangerfield Pty Ltd
3. Product	Clothing
4. Type of advertisement	Outdoor
5. Nature of complaint	Discrimination or vilification Religion – section 2.1
6. Date of determination	Wednesday, 16 January 2008
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This outdoor advertisement has a red background with a decoration of crosses and an image of Jesus Christ, and the words Dangerfield. Bigger than ever Jesus sale. On now."

THE COMPLAINT

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

The gratuitous use of Jesus and the use of the graphic is highly offensive to Christians, myself included. It is clearly intended to shock and the content bears no relationship to the goods being sold or the business concerned.

THE ADVERTISER'S RESPONSE

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

The advertisement was not intended to be offensive to Christians nor was it meant to shock. The idea behind the ad was to provide a wake up call to all people that Christmas was once a spiritual/ religious event and is now very much a commercial event. Boxing day was a Christian invention on which, people that were more well off, re-wrapped (or re-boxed) unwanted presents and re-distributed them to people that were less well off.

This original meaning has been completely disregarded as boxing day is now just consider a day of sales.

In regards to the advertisement not bearing any resemblance to the goods being sold I am not sure how that is grounds for a complaint as many advertisements do not, EG OPTUS, spends millions daily on advertisements about telecommunication yet only shows animals in their ads not telecommunications products.

It should also be noted that all directors of Factory X as well as the senior executive have a Christian background, and although are not all regular church goers, they do take Christianity very seriously.

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Board acknowledged that the use of religious references in advertising could cause offence to

some people. The Board noted that the image of Jesus and accompanying text was not poking fun at or inverting any particular religious belief and that the use of religious references was not of itself in breach of the Code.

In the particular advertisement the Board acknowledged that some people could take offence at the intended humour in the text 'bigger than Jesus' and the image of Jesus at the crucifixion. However the Board considered that the image being in print media was less impactful than other advertisements considered by the Board which made religious references but appeared in other media. The Board also noted that the target audience for the product and the advertisement is young people and that the target audience was unlikely to see the advertisement as discriminatory or vilifying of any people on account of their religion.

The Board determined that, in the context of prevailing community standards, the advertisement did not constitute discrimination and/or vilification of a particular section of society and did not breach Section 2.1 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.