



## **CASE REPORT**

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|-------------------------------|------------------------|
| 1. Complaint reference number | 114/06                 |
| 2. Advertiser                 | Just Jeans Group       |
| 3. Product                    | Clothing               |
| 4. Type of advertisement      | TV                     |
| 5. Nature of complaint        | Other - Social values  |
| 6. Date of determination      | Tuesday, 11 April 2006 |
| 7. DETERMINATION              | Dismissed              |

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement features a young couple in a Chinese restaurant – there is no music in the background, but a simple song being sung in Chinese by female voices. The female customer leaves her chair and walks towards a water tank containing live lobsters, then catching the eye of her male companion, he checks to see if the owners are watching. The next view of the fish tank shows it empty, and the couple are seen running away from the restaurant with a tablecloth-covered bundle. The couple walk to a wharf where they release the lobster into the sea, then lie face down staring into the water. The words “Live like you mean it” appear on the screen.

## **THE COMPLAINT**

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

The ad appears to be justifying or even glorifying theft.

## **THE ADVERTISER’S RESPONSE**

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

*The TVC is not condoning or endorsing theft and any suggestion of theft is outweighed by the humane treatment of the lobster.*

*...there is no suggestion that the couple did not pay for their meal (or the lobster)*

*The couple running shows the urgency in safely and quickly getting the lobster back to its natural environment.*

*We believe the viewing public would realise that the emphasis of the TVC is the saving of an animal’s life and not the glorification of theft.*

## **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 that the complaints about this advertisement are that the advertisement promotes shoplifting or theft. The Board noted that this is not a matter that is addressed under section 2 of the Code.

The Board considered that the couple running from the shop and looking back behind them as they run was not indicative of concern for the lobster – rather indicated that they had done something wrong

and were running from the restaurant. The Board did consider that there is an implication of theft.

However the Board did not consider that the overall context of the advertisement would be seen by most members of the community as encouraging or glorifying theft.

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