



CASE REPORT

1. Complaint reference number	203/05
2. Advertiser	Jeans West Corporation
3. Product	Clothing
4. Type of advertisement	TV
5. Nature of complaint	Violence Other – section 2.2
6. Date of determination	Tuesday, 9 August 2005
7. DETERMINATION	Upheld – discontinued or modified

DESCRIPTION OF THE ADVERTISEMENT

The first scene in this advertisement depicts a young couple meeting in a bar. Upon leaving the bar the two walk along a city street before they say goodbye and go their separate ways. As the man crosses the street he is struck by car. The man's body is shown to roll onto the bonnet of the car, hit the windscreen and then roll forward onto the ground as the car comes to a stop. The next scene depicts an emergency unit in a hospital. The young man is shown to be lying on a hospital bed in a neck brace and connected to breathing apparatus. His face is badly scratched and bruised. The nurses begin to prepare the man for surgery. They remove his shirt and almost start cutting away at his jeans. As a nurse positions the scissors, he sits up abruptly screaming: "No! Hey, hey, hey... I'm fine". The final scene in the advertisement depicts the young man staggering into the waiting room. The girl he has met that evening runs over to him. She falls to her knees and hugs the man's jeans. The words: "It's all about the Jeans. Jeans West" appear on the screen.

THE COMPLAINT

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

"... This is very offensive as my son was hit and killed by a van last November and it seems to be making light of being hit by a vehicle. My son (who is 6) doesn't understand why this boy got hit by a car and then all of a sudden is fine because they were going to cut his jeans. It just re-opens wounds for all us which we are trying to heal..."

"... When TAX advertisements come on it brings up raw emotions for me as my husband was killed in a car accident but I understand the importance of having these ads and the needs to create/improve awareness for drivers/pedestrians on all levels. So to have Jeans West make light of such an important community issue is in my view irresponsible. Everyday someone loses a son, a daughter, a mum, a best friend and to exploit these emotions in the hope that people will buy their products is disgusting."

THE ADVERTISER'S RESPONSE

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

"The commercial has received an overwhelmingly positive response since it launched in April... It was definitely well received and the humour prevailed, overriding any issues with the accident scene. The take out from the commercial was the essence of the idea being a humorous way to show one's love for their jeans."

"I appreciate that people have their individual issues that can be associated with incidents portrayed in films and 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 was of the view that the scenes in the advertisement were very realistic. The Board considered that the scene of the accident that shows the young man rolling onto the bonnet of the car, hitting windscreen and falling onto the ground and also the hospital scene that depicts the man lying semi-conscious on a hospital bed, in a neck-brace and connected to breathing apparatus with serious cuts (and bleeding in the mouth) were particularly graphic.

Clause 2.2 of the Code provides that: “*Advertisements must not present or portray violence unless it is justifiable in the context of the product or service advertised.*” The Board determined that the presentation of the graphic and violent images in the advertisement were not justifiable in the context of the product being advertised (being jeans).

The Board noted that the advertiser had intended for the humour (in the closing scene of the advertisement) to prevail over the serious nature of the accident, however, the Board determined that given the realistic and graphic portrayal of the accident, this goal had not been achieved.

The Board therefore upheld this complaint.