



CASE REPORT

1. Complaint reference number	262/06
2. Advertiser	Everlast
3. Product	Clothing
4. Type of advertisement	Print
5. Nature of complaint	Health and safety – section 2.6
6. Date of determination	Tuesday, 11 July 2006
7. DETERMINATION	Upheld – discontinued or modified

DESCRIPTION OF THE ADVERTISEMENT

This black and white nostalgic (1950s – 1960s) photograph depicts a teenage boy in a striped shirt leaning against a desk in a police station. The boy has one eye closed and a smoking cigarette in his mouth. Alongside stands a police officer holding in his upturned palm, a gun. Text reads “Everlast. Nothing soft comes out of The Bronx”.

THE COMPLAINT

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

Smoking causes bad health and I thought it was unethical to show a young boy smoking in order to advertise clothes, as it is illegal to sell cigarettes to young boys.

THE ADVERTISER’S RESPONSE

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

Following our discussion regarding this matterwe confirm that the subject advertisement is not scheduled for any future appearances on the magazine plan for 2006 and beyond.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches section 2 of the Advertiser Code of Ethics (the “Code”).

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The Board noted that this advertisement had been withdrawn prior to the meeting. The Board noted that its procedures enable it to consider a withdrawn advertisement if it considers that the advertisement raises significant issues.

The Board considered that the depiction of a boy – likely to be a teenager – with a cigarette in his mouth was inappropriate and was a depiction of material that is contrary to prevailing community standards on health and safety.

The Board noted that the advertisement was a depiction of 1960s street culture/Jimmy Dean type presentation. The Board considered that this scenario did not justify a depiction of a boy smoking.

The Board found that the advertisement breached clause 2.7 of the Code.