



CASE REPORT

1. Complaint reference number	273/03
2. Advertiser	Just Jeans Group (Jay Jays \$15 Tees)
3. Product	Clothing
4. Type of advertisement	TV
5. Nature of complaint	Health and safety – section 2.6
6. Date of determination	Tuesday, 9 September 2003
7. DETERMINATION	Upheld – discontinued or modified

DESCRIPTION OF THE ADVERTISEMENT

Presented in the style of a popular television program targeted at young people, this advertisement opens on a full-screen monochrome image including an advertiser's logo and text, together reading: 'JayJays Presents.' This is followed by rock music and sound effect-backed normally-coloured vision of three young women and two young men riding BMX-styled bicycles up and off of a ramp and into bushes. The action appears to take place in a park or garden, and only one of the riders looks to be wearing protective headgear, while all are shown wearing t-shirts. At the conclusion of the final crash into the bushes, the action freezes and the colour saturates to another monochrome view as superimposed text reads: '\$15 tees', ahead of a closing composite caption incorporating an Internet website address and otherwise reading: 'JayJays. Cheap Thrills.'

THE COMPLAINT

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

"This ad is irresponsible and promotes the appalling behaviour shown in the 'Jackass' series in copying jumping their BMX bikes over a ramp and landing in bushes...And it is also damaging plants which in our current state of drought are under enough stress as it is! (Complainant's emphasis)."

"This advertisement encourages stupidity (sic) and Jackass behaviour which is all the rage amongst teenagers. I am appalled at this behaviour and I am offended by this advertisement which is condoning and encouraging such behaviour."

"No-one is wearing safety gear at all and they are destroying trees and shrubs to land on, in what appears to be a park... They are also promoting the ad on their website and asking for suggestions to make similar ads."

"In my opinion this would appear to encourage irresponsible behaviour. Surely we have enough vandalism in the community without a prominent clothing company seemingly encouraging this type of behaviour."

"I believe it may encourage children to copycat these actions which may lead to injuries."

"My main complaint is that they are not wearing safety equipment—particularly helmets—which is against the law."

"I found it irresponsible for JayJays to be showing people without Bike Helmets riding into bushes." (Complainant's capitalisation)

"I am a parent of the Just Jeans 'Target Market' and I have a horror of the consequences of the actions portrayed as 'cool' when these actions go wrong—which they easily can do."

The advertisement as far as I am concerned encourages teenage vandalism. Young minds are

impressionable enough as it is without showing that destruction and damage to plants is a 'cool' thing to do."

"What sort of image is this sending to our children, who we're trying to convince to wear helmets when riding their bikes?"

"This strikes me as being incredibly irresponsible, promoting risk-taking behaviour in young people, ignoring the consequences of riding a bike without a helmet and generally putting ideas into the heads of younger children."

"The wanton destruction of sensitive flora is not simply a theoretical issue but a very practical one too."

"I found it appalling that they portrayed people riding bikes without helmets."

"How do parents encourage kids to wear helmets when it's portrayed as not being cool in ads?"

"I have no problem with the stunts in the ad themselves, just the fact that they are sending the message that it's fun and safe to perform them without the necessary protective gear."

"...irresponsible..."

THE DETERMINATION

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

The Board received a submission on behalf of the advertiser from its agency stating, in part, that 'we made sure that the safety of the bike riders (all young adults over the age of 18) was not in jeopardy. The majority of the jumps were a very short distance off the ground and the bushes were pre-checked for their ability to cushion the riders as they landed. And where one jump was higher than the rest, we ensured that the rider was wearing a full-face helmet.'

The agency's advice that, as the purpose-built ramp alone weighed approximately 35 kilograms and required two people and a utility vehicle or flat-bed truck to transport, 'it would not be an easy thing for children to replicate the jumps,' was also noted.

The Board did not, however, accept the submission that the advertisement 'whilst intentionally showing silly behaviour, does not fall into the category of 'dangerous' behaviour', noting that the television programs it appeared to emulate usually included warnings not to attempt copying the actions portrayed when they might be regarded as dangerous.

The Board expressed concern at the riders being shown not wearing protective helmets, and was of the view that the portrayal breached the Code in being contrary to prevailing community standards relating to health and safety.

Accordingly, the complaint was upheld.