



## **CASE REPORT**

1. Complaint reference number	313/99
2. Advertiser	Levi Strauss Aust Pty Ltd
3. Product	Clothing
4. Type of advertisement	Cinema
5. Nature of complaint	Discrimination or vilification Other – section 2.1 Violence Other – section 2.2 Portrayal of sex/sexuality/nudity – section 2.3
6. Date of determination	Tuesday, 14 September 1999
7. DETERMINATION	Dismissed

## **DESCRIPTION OF THE ADVERTISEMENT**

The advertisement commences with a scene of a man and woman saying farewell in an indoor car park, embracing before the woman drives off. Following this, the words, ‘Sight unseen’ are superimposed on the screen. In the next scene, the same man is shown moving through an apartment, pulling on a tee-shirt and walking towards an expansive set of glass windows and a telescope. He proceeds to look through the telescope initially at the building opposite. He passes over a number of windows before stopping at one where he observes a woman (the first woman) inside the apartment removing a singlet.

In the following scenes, another young woman (the second woman) is shown waking up in a bedroom. She sits up, her naked back visible from the waist up, and appears to look at a series of photographs in the bedroom of the man, including one of him with the woman previously seen with him in the car park and another with the man, this same woman and a younger woman. The man is again shown, still looking through the telescope followed by a brief shot of the first woman (in opposite apartment) now topless and placing a towel around herself. The second woman then appears and embraces the man from behind as he continues to look through the telescope at the first woman brushing her hair and moving through her apartment.

The scene then changes to show of a hooded person apparently creeping into the first woman’s apartment and darting into another room. Through the telescope, the hooded intruder and the first woman in the apartment are shown engaged in a physical struggle as the intruder drags the woman into the bedroom. The first woman then relaxes, turns around, pulls the intruder towards her, kisses him and the two recline on the bed in an embrace.

The man watching through the telescope pulls away to allow the second woman to observe the scene. She does so, then pulls away allowing the man to return to the telescope and, with a studied look towards him, leaves the room.

The final scenes show a cloaked figure wearing sunglasses arriving at the front entrance of an apartment building (presumably that of the first woman’s apartment) and pressing the intercom buzzer. A man (presumably the former hooded intruder) answers the call, sees the image of the cloaked figure on the video screen of the intercom, admits the person and later opens the apartment door to them. The scene fades with the superimposed words ‘To be continued’.

## **THE COMPLAINT**

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

*“I consider that violence, males as predators and women as victims inappropriate in any advert.”*

*“It purposefully creates a climate of sexual tension where the audience is anticipating that the young girl will be attacked and raped.”*

## **THE DETERMINATION**

The Advertising Standards Board (‘the Board’) considered whether this advertisement breached Section 2 of the Advertiser Code of Ethics (‘the Code’).

The Board determined that the advertisement’s treatment of the subject matter and the portrayal of the characters concerned did not constitute discrimination or vilification and did not breach the Code on this ground. The Board also determined that the advertisement’s portrayal of sex, sexuality and/or nudity did not breach the Code. The Board noted, as acknowledged by the advertiser, that the advertisement dealt with adult themes but felt that these were not presented in a manner that would offend prevailing community views and standards. The characterisation of the advertisement in the style of a serialised drama and the apparent utilisation of adult role playing themes further served to emphasise the fictional nature of the events depicted. The Board dismissed the complaint.