



## **CASE REPORT**

1. Complaint reference number	336/06
2. Advertiser	George Gross/Harry Who
3. Product	Clothing
4. Type of advertisement	Print
5. Nature of complaint	Health and safety – section 2.6
6. Date of determination	Tuesday, 12 September 2006
7. DETERMINATION	Upheld – discontinued or modified

## **DESCRIPTION OF THE ADVERTISEMENT**

This print advertisement in a catalogue features a young female model wearing a white pant suit holding her head back and holding between the fingers of her right hand, an item which appears to resemble a cigarette.

## **THE COMPLAINT**

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

*When smoking is one of the biggest killers in our society...it is utterly inappropriate for a major Australian clothing designer to perpetuate the idea that a young woman looks cool by smoking whilst wearing their clothes. This is, frankly, appalling.*

## **THE ADVERTISER'S RESPONSE**

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

*She is not smoking, she is pretending by holding the stick.*

## **THE DETERMINATION**

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

The Board considered whether the portrayal of a young woman who appears to be smoking a cigarette was a depiction of material that contravened community standards on health and safety. The Board noted that government policy is to reduce the exposure of the public to messages and images that may persuade them to start or continue smoking or use tobacco products. The Board considered that while the community tolerates a level of smoking it does not tolerate images which promote smoking as glamorous or cool.

The Board noted the advertiser’s comment that the viewers of the advertising were not meant to assume the model was smoking. However the Board felt that the placement of the stick in the advertisement was not incidental and was meant to be identified as a cigarette. The Board considered that the image of the young woman holding what appeared to be a cigarette was an image that made smoking look attractive.

On this basis the Board found that the advertisement breached clause 2.6 of the Code and upheld the complaint.

## **ADVERTISER'S RESPONSE TO DETERMINATION**

Comments which the advertiser made in response to the Board's determination to uphold the complaints included the following:

*This will be off our website soon as we are working on our winter collections.*

The Advertiser has been contacted and asked to provide a response in relation to the images depicted in the catalogue.