



CASE REPORT

1. Complaint reference number	378/08
2. Advertiser	Levi Strauss Aust Pty Ltd
3. Product	Clothing
4. Type of advertisement	Pay TV
5. Nature of complaint	Portrayal of sex/sexuality/nudity – section 2.3
6. Date of determination	Wednesday, 8 October 2008
7. DETERMINATION	Upheld – discontinued or modified

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement portrays a young man and woman climbing a staircase to an apartment. At the same time they undo their belts and jeans and talk about the lies they have told each other. They enter an apartment which has photos of a family and a team. The girl admits the apartment is not hers. The advertisement shows the female and male kissing and both with no shirt. The female is wearing a bra and has her back to the camera. The advertisement ends with jeans thrown on the floor.

THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

It shows a young couple about to have sex, with the woman stripping her jeans off showing her underwear. My 8-year old child was watching the TV with me at that time. This is highly inappropriate, especially on a Sunday afternoon.

THE ADVERTISER'S RESPONSE

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

The Levi's® 501® 'Live Unbuttoned' campaign is our first ever, fully integrated, worldwide marketing effort and celebrates our most historic, iconic product – the original and quintessential 501® button-fly jean.

The theme of the 'Live Unbuttoned' campaign centers on the experience of 'unbuttoning' oneself – breaking free from inhibitions and convention. The campaign utilises the act of unbuttoning the Levi's® 501® jeans as a symbol of personal expression and revelation, and breaking free from conventions – living as one's true authentic self.

The campaign is big and fully integrated, employing a broad assortment of marketing vehicles at retail, on the Internet, in print, on television and in cinemas. We've produced numerous creative executions for different venues and consumer segments, including multiple television and print treatments, as well as viral marketing components.

Both the overall campaign and the ultimate, approved advertising treatments resonated very well in focus groups with consumers around the world in our target demographics of 15-24 years of age.

The 'Secret and Lies' commercial is one of the creative executions for the campaign. In our effort to connect with our targeted audience of youths 15-24 years old, we gave due consideration to the program time zone aligning with the guidelines in the AANA Code of Ethics (section 2.3). It is thus unfortunate that the commercial was accessed by an audience that it was never intended for.

In view of the message of the commercial and the 15-24 year old audience that it was appropriately developed for, we hope that the Advertising Standards Bureau will review our submission favorably. Thank you once again for giving us this opportunity to respond.

THE DETERMINATION

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

The Board noted the complainant's concerns and reviewed the advertisement under Section 2.3 of the Code that states:

Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone.

The Board viewed the television advertisement and noted that while no actual sexual act was depicted there was a strong sexual theme.

The Board considered that the depiction of a young amorous couple undressing, including unbuttoning their jeans, on the stairs and embracing and kissing passionately clearly communicated to viewers that the couple intended to have sex.

The Board noted that this advertisement was screened on Pay TV and was not therefore subject to a viewer classification. The Board further noted that the complainant had viewed the advertisement in the middle of a Sunday afternoon during a sports program.

The Board agreed that whilst its role does not extend to issues of classification and timing, this treatment of sex in advertising was not suitable for young viewers.

The Board further agreed that this advertisement was suitable for mature viewers and as such did not treat the portrayal of sex with sensitivity to the relevant audience given the time of day in which it was shown.

The Board determined therefore that the advertisement was in breach of Section 2.3 of the Code and upheld the complaint.

ADVERTISER'S RESPONSE TO DETERMINATION

Comments which the advertiser made in response to the determination regarding this advertisement included the following:

In our effort to connect with our targeted audience of youths 15-24 years old, we gave due consideration to the program time zone aligning with the guidelines in the AANA Code of Ethics (section 2.3). It is thus unfortunate that the commercial was accessed by an audience that it was never intended for.

We would like to let you know that the advertisement is no longer being played on Pay-TV. Moving forward, we will ensure that we give due consideration where appropriate and relevant. Thank you once again for giving us this opportunity to respond.