



CASE REPORT

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| 1. Complaint reference number | 404/08 |
| 2. Advertiser | Michaelis Bayley Holdings Pty Ltd |
| 3. Product | Clothing |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Health and safety – section 2.6
Other - Social values |
| 6. Date of determination | Wednesday, 12 November 2008 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This TV advertisement commences with a young woman wandering around an art gallery admiring the various shoes on display. She takes her shoes off and tries on a pair of Homy Ped shoes which are part of the gallery display. She then approaches a staff member of the gallery and takes him to the various shoes in which she is interested, and he places a red sticker on the display to indicate she is buying the shoes. The advertisement ends with the young woman walking away happily wearing her new shoes and the text on the screen says "Homy Ped - fits your life".

THE COMPLAINT

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

I cannot frankly understand just what is supposed to be going on. However what is shown is somebody "stealing" shoes. It would give impressionable minds the idea that theft is acceptable if you are pretty and smile a lot!.

THE ADVERTISER'S RESPONSE

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

Both complainants have expressed concern that this ad is showing some one "stealing" shoes and in some way the ad endorses stealing as acceptable. The ad in fact shows the shoes being displayed at a showing in an art gallery. The women in the ad is so impressed by the shoes that she takes her shoes off and tries on a pair of Homy Ped shoes. She then approaches a staff member of the gallery and takes him to the various shoes where he places a red sticker on the displays to indicate she is buying the shoes as is standard practice in an art gallery. I believe it is fairly clear that if she was indeed "stealing shoes" she would not draw attention to herself with a staff member as portrayed in the ad.

By and large we have had positive feedback on our commercial and we certainly did not intend to condone or portray stealing as acceptable. It is unfortunate that a few people may misunderstand the context of the ad and if that caused them any distress we are apologetic.

THE DETERMINATION

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

The Board viewed the advertisement and considered whether the depiction of the woman swapping

the pair of shoes was a depiction of stealing or could encourage stealing.

The Board noted the art gallery context of the advertisement. The Board noted the woman was involved in a sale of another pair of shoes that she looked at at the start of the advertisement where she approached the gallery attendant who placed a red dot on the plinth (indicating that the shoes had been sold). The Board considered the advertisement was playful in tone and the other character did not seem mindful or concerned about the shoes having been swapped.

The Board agreed that the advertisement was not advocating stealing and did not consider the actions of the female character in the advertisement to be malicious.

Finding that the advertisement did not breach the Code on any grounds, the Board dismissed the complaint.