

BELGIUM



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1. Topic:	Promotional Campaign DVD: nudity and religious symbols - disparaging - ethics in Advertising
Who:	CONSUMER VS. FREE RECORD SHOP BELGIUM N.V.
When:	14 July 2004
Where:	Self Regulation - Jury for Ethics in Advertising - Council for Advertising - Brussels
What Happened:	<p>According to the plaintiffs, the advertising leaflet with title "Naked DVD-prices during European Championships 2 + 1 free", showing naked soccer players with shoes and socks on the soccer ground holding a CD player in front of their body, whereby one player shows the DVD of The Last Temptation of Christ, depicting the head of Christ, is disparaging and hurting for Christians; it is also irritating for Christians, still the plaintiffs, to see the advertising for this film.</p> <p>The Jury notes that the advertiser presented his apologies to the plaintiff as it was never his intent to hurt somebody. He mentioned that the DVD choice was coincidence.</p> <p>The image of the group naked men wearing only DVD boxes shows a situation that is hard to combine with promotion of DVD's because there is no link between the image and the promoted action. The action is dubious and can therefore cause negative thoughts that disparage the man, the more that people can be hurt in their religious feelings.</p> <p>The Jury therefore held the message not to be in line with Article 4.1. of the Code of the International Chamber of Commerce (on the human dignity in advertising). An advice was sent to the advertiser not to publish the ad any longer.</p> <p>The advertiser reacted with the information that the campaign had been terminated and that he will take into account the remarks of the Jury for his future campaigns.</p>
Comments:	The advice shows once more the sensitive reaction within the Jury on matters of nudity and religion. The advice is in line with many earlier advices that the Jury rendered over the past years

2. Topic:	Advertising - Ethics - Showing of illegal acts -
Who:	Consumer vs. RIJKSDIENST VOOR ARBEIDSBEMIDDELING (The Public Authority Labour Recruitment Office)
When:	20 July 2004
Where:	Self Regulation - Jury for Ethics in Advertising - Council for Advertising - Brussels
What Happened:	The Public Agency, part of the Ministry, that has as mission to support employment recruitment in Belgium advertises with an image of a public

	<p>protest action. On the foreground are two women dressed as cleaning ladies in front of a wall, removing painted graffiti from that wall. The ad promotes the use of legal cleaning personnel.</p> <p>Plaintiff considers the ad as sexually discriminating and chocking because illegal behaviour is shown, which is an unacceptable act for a Public Authority.</p> <p>The advertiser considers that the predominance of women in the protest action is motivated by the fact that most people working as cleaning personnel are women. On the graffiti, the ad shows persons who try to remove them. The ad is funny.</p> <p>The Jury has no remark on the alleged sexual discrimination but considers that the risk of such ad is that it is seen as a completion of a graffiti with a colour spray.</p> <p>On the basis of Article 1, par. 2 and Article 4, par. 3 of the Code of the International Chamber of Commerce, the Jury urges/ advises not to publish this ad that shows a reproachable behaviour.</p> <p>The advertiser reacted that he will not use that ad anymore</p>
Comments:	This ruling in the form of an advice shows again the strict views of the Jury on images that can be understood in several ways.

3. Topic:	Advertising - Ethics - Animal Rights
Who:	CONSUMER vs. BELGACOM
When:	25 August 2004
Where:	Self Regulation - Jury for Ethics in Advertising - Council for Advertising - Brussels
What Happened:	<p>An ad shows a frog in sunny wheat fields, it avoids physical efforts in warm weather. But the frog all at a sudden anyhow jumps on the road and is crashed. The pay-off reads "sometimes it's better to say where you are, with Belgacom for instance".</p> <p>The second ad shows the eyes and legs of the frog still moving. Tariffs are shown with the invitation to phone a particular number for more details on tariffs.</p> <p>The complaint is that the ad provokes animal mistreatment and lack of respect for life of animals the more that a frog is a protected animal that one tries to help when crossing roads.</p> <p>The advertiser emphasizes the humour in the ad and the personal appreciation of humour. The ad is quite fictitious. The ad was pre-cleared not to endanger the good efforts of those trying to defend the frog.</p> <p>The Jury considers that the ad does not infringe existing laws and codes and does not see elements in the ad that incite to bad behaviour. The Jury has no remarks to make.</p>
Comments:	This reasoning shows the importance of specific self regulation rules per subject category. The Jury remarkably refers to the absence of infringement of a particular statutory instrument.

4. Topic:	Offensive advertising – Ethics – Violence in Ads
Who:	CONSUMER VS. EURO SHOE UNIE N.V.
When:	26 April 2004
Where:	Self Regulation – Jury for Ethics in Advertising – Council for Advertising – Brussels
What Happened:	<p>A TV commercial shows a meeting room where a matter is discussed with an on-screen presentation. In a sudden, something smashes against the screen. The object seems to be a cat which causes a shock in the room. The next sequence shows a teenager running to the kitchen and opening a pedal bin with her left leg. The girl is surprised at the fact that the bin projects the cat who sat on it. Then various shoes are shown with the comment “Strong shoes, strong prices, Shoe Discount”.</p> <p>According to plaintiff, this commercial shows cruelties to animals which can put bad ideas into someone’s head. It is violent and lacks ethics. The advertiser noted that he had no intention to shock consumers and that a plush cat was used for the spot. He also stopped broadcasting the commercial.</p> <p>The Jury held the spot as violent, offensive and not in line with the Animal Protection Act of 14 August 1986 and with various dispositions related to violence in media.</p> <p>The Jury noted that the spot was not broadcast any longer. The advertiser accepted the recommendation of the Jury not to use the spot anymore in the future.</p>
Comments:	The use of violence or terrible things to men or human beings is difficult to motivate before the Jury with arguments of humour and the like.

5. Topic:	Ethics - Offensive advertising – imitation of indications of diseases in advertising
Who:	CONSUMER VS. DACPLANET (NL)
When:	15 April 2004
Where:	Self Regulation – Jury for Ethics in Advertising – Council for Advertising – Brussels
What Happened:	<p>An advertisement presented SMS-logo’s, pictures and ringtones. A ringtone was named ‘Gil de la Tourette’ and rendered the sound of tics of people suffering from the disease.</p> <p>The advertiser noted that he stopped distributing the ring tone and the advertisement The Jury appreciated the self-discipline of the advertiser.</p> <p>Plaintiff considers that the imitation of nerves and ticks of people suffering from a disease in a bell tone is shocking an hurting those who suffer from the particular disease.</p> <p>The Jury observed that the advertisement did not mention the identity and address of the advertiser which is a violation of legal principles in the Trade Practices Act and of a code in Telecommunications’ Law. The Jury recommended to the advertiser to go along with the legal dispositions and code principles. The advertiser modified the advertisement.</p>
Comments:	The advice shows the attention of the Jury for statutory instruments besides the mere ethical and self regulation codes – interesting application of offensive

	advertising towards people suffering from a particular disease
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6. Topic:	Combined Offering
Who:	CONSUMER VS. DE NATIONALE LOTERIJ
When:	7 April 2004
Where:	Self Regulation - Jury for Ethics in Advertising - Council for Advertising - Brussels
What Happened:	<p>A TV-commercial showed an anxious woman in a bathrobe taking refuge in the bathroom as she got threatened by a man with an axe. Whilst the man was breaking through the door, the woman found a big knife and a scratch card of the national lottery in a drawer. She started to scratch the card, her fear turning into delight and she kissed her attacker. Finally some scratch cards of the instant lottery were shown, commented with "Scratch cards of the National Lottery, a solid film of suspense"</p> <p>The commercial was generally considered as annoying.</p> <p>The commercial was inspired and a parody on a horror movie. The advertiser noted that the joy of winning by a scratch card is more intense than other moments of great suspense.</p> <p>The Jury stated that indeed this commercial was a parody on a horror movie and that no harm was done. There were no legal or ethical infringements found.</p>
Comments:	This advice shows how unpredictable the opinion of the Jury on a case by case basis is.