

Careful, that brand-name bag could incur a fine

Simon Canning

A \$100 fine handed to a man carrying a Shane Warne placard outside the WACA Ground in Perth could be the focal point of a battle over whether people need permits to wear branded T-shirts or carry Louis Vuitton bags.

Marketer Kym Illman, who has built his Messages on Hold brand through ambush advertising tactics and signing cricketer Shane Warne as a spokesman, said he would fight the fine handed to a staff member carrying a life-sized Warne cut-out outside the WACA at the third Ashes test in December.

The cut-out featured Warne wearing a branded T-shirt and a giant Messages on Hold foam hand, which have become a fixture in the crowd at the cricket in recent years.

Illman's solicitor Martin Bennett said that if upheld, anyone wearing a sponsored shirt or prominent logo could be fined.

Rangers fined the staff member for "displaying a sign without a permit".

"Next thing you know they will be giving kids tickets for wearing their team's football jumpers," Illman said.

In a letter to Perth Council saying Messages on Hold would contest the fine, Mr Bennett said shoppers carrying bags from a store could be liable for fines.

"The signs law . . . defines a sign as having the same meaning as 'adver-

tisement'," Mr Bennett wrote. "Accordingly, under the guise of attempting to regulate signage in the city of Perth, the city has in fact introduced a broad regulatory regime that goes far beyond the scope of the Local Government Act."

Illman said Cricket Australia had already asked the staff member to leave the public area outside the cricket ground when rangers stepped in and issued the fine.

Messages on Hold has been engaging in ambush advertising since 1991, but has since split its efforts between stunts and official sponsorships. Ill-

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Kym Illman, marketer

man has official signage at the Adelaide Oval and the Sydney Cricket Ground, and he is also a sponsor of the West Coast Eagles.

But Illman maintains his ambush ads have been hugely successful.

"It would be hard to put a dollar figure on it, but certainly if I was to pay for the advertising I would have spent over a million dollars," Illman said.

"It just gives us this enormous

recognition nationally. People, when they see our logo, said 'I know of them'. "It doesn't help us to get the message across as to what we do, but that is not why we do it. We do it for instant recognition."

In a cheeky move, Illman has advised staff to apply for advertising permits from the council if they plan to go shopping at shops such as David Jones or Myer in case they emerge from the stores with branded bags.

"It is ridiculous that we have enacted a law that is so wide ranging," he said.

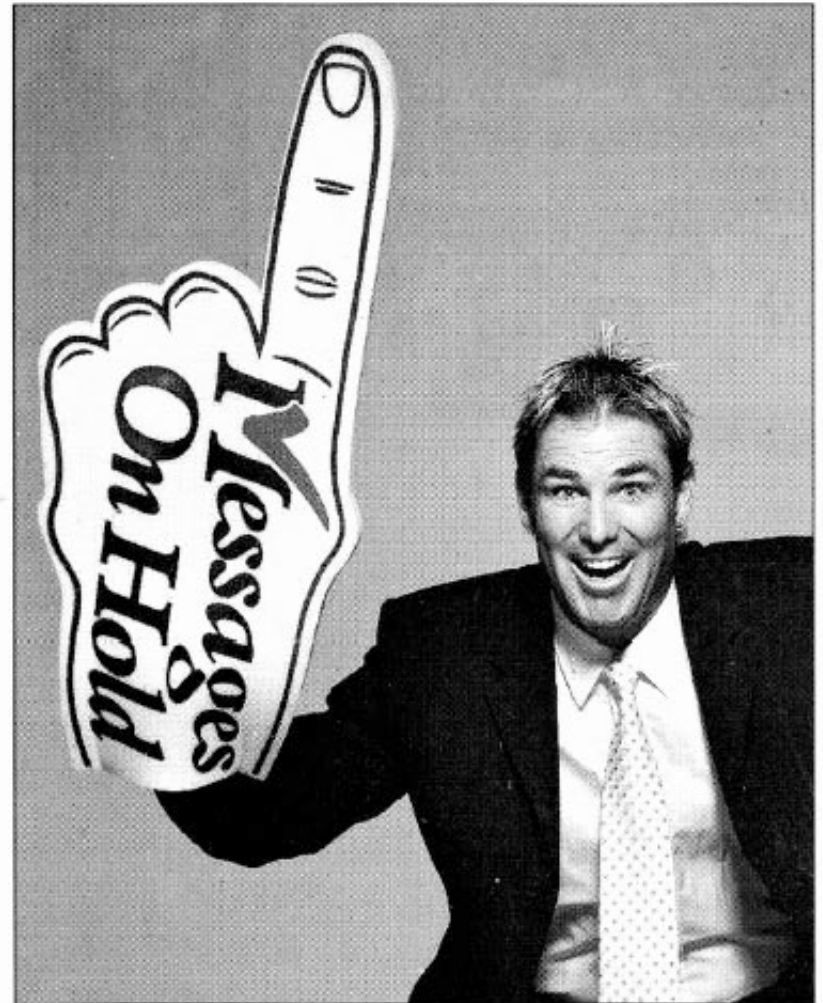
"It captures everything. I have no qualms at all about taking it to the WA Supreme Court, I think it is money well spent."

Illman admitted he had been asked to move on in the past when conducting ambush advertising, but said neither he nor his staff had been fined before.

"Sometimes when we are at an event, such as the footy or something, they probably (have) a right to do it. But this just seems ludicrous.

"There might have been someone next to us with a Ping umbrella because it was hot, but they don't get stung and our guy does, so according to them it is a selective law. They can just take a crack at whoever they want."

A spokesman for Perth City Council confirmed the fine had been assessed. He said the council was seeking legal advice and would not comment further on the matter.



'Instant recognition': Cricketer Shane Warne promoting Messages on Hold