



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0040-20
2. Advertiser :	Roc Boots
3. Product :	Education
4. Type of Advertisement/Media :	Internet - Social - Instagram
5. Date of Determination	22-Jan-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.2 Exploitative or Degrading
AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This instagram advertisement for ROC school shoes depicts a girl from the waist down wearing a blue tartan skirt and black shoes.

THE COMPLAINT

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

They are objectifying young school girls by showing some of their pictures with young school girls in short skirts that are just covering their private parts. As someone who has young children in the family, I find it offensive. I also wrote to them nicely and they never even acknowledged my concerns.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

In response to the complaint of an image featured on our ROC Instagram page,



the reason why it was lodged as noted in document, they felt we were objectifying the girls because of her school skirt being too short.

The girl featured in the image Mathilde was employed through a modelling agency, and of age (18yrs+)

The talents were all wearing their own clothing / casual wear, Mathilde is actually wearing her own school skirt uniform in the image featured.

We have since removed the Ad from sponsorship.

THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement objectifies the girl in the advertisement by depicting her in a very short skirt.

The Panel viewed the advertisement and noted the advertiser's response.

The Panel noted that Section 2.2 of the Code states:

*"2.2 Advertising or Marketing Communication shall not employ sexual appeal:
(a) where images of Minors, or people who appear to be Minors, are used; or
(b) in a manner which is exploitative or degrading of any individual or group of people."*

The Panel noted the Practice Note for the Code states:

"In advertisements where minors, or people who appear to be minors, are used, sexual appeal is not acceptable and will always be regarded as exploitative or degrading. Advertisements must not include sexual imagery, state or imply that minors, or people who appear to be minors, are sexual beings or that ownership or enjoyment of the advertised product will enhance their sexuality. Minors, or people who appear to be minors, must not be portrayed in a manner which treats them as objects of sexual appeal."

The Panel noted the advertiser's response that the person depicted in the advertisement was employed through a modelling agency and was over 18. The Panel noted that it's role is to consider the content of the advertisement as it is shown. The Panel considered that as the woman's face is not shown, most members of the community would interpret the advertisement to depict a school girl who is highly likely to be a minor.

The Panel considered whether the advertisement contained sexual appeal.



The Panel considered that a skirt which may be considered short by some members of the community is not of itself a depiction of material that contains sexual appeal. The Panel considered that the young woman's skirt does fully cover her buttocks and genitals, and noted that she is posed standing in a relaxed manner and is not standing in a sexualised position.

The Panel noted that the young woman does have the majority of her legs visible and bare, but considered that this image in the context of a clear reference to school shoes is not sexualised.

The Panel considered that the advertisement did not employ sexual appeal in relation to the minors depicted in the advertisement.

The Panel determined that the advertisement did not employ sexual appeal of a minor and therefore did not breach Section 2.2 of the Code.

The Panel considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience".

The Panel noted the Practice Note for Section 2.4 of the Code provides "Models who appear to be minors should not be used in sexualised poses."

Similar to the comments above, the Panel considered that the depiction of the young woman in the advertisement was not sexualised. The Panel considered that there was no sexual imagery or themes in the advertisement and the young woman was not depicted as a sexual being.

The Panel considered that the picture of the shoes and the text which indicates it is an advertisement for school shoes creates a focus onto her school shoes, and not the girl's legs. The Panel considered that the advertisement is clearly in the context of a promotion of school shoes and is not a sexualised depiction of the girl in the advertisement.

The Panel considered that the advertisement did not contain sex, sexuality or nudity and did not breach Section 2.4 of the Code.

Finding that the advertisement did not breach the Code of Ethics, the Panel dismissed the complaint.