



ADVERTISING
STANDARDS
BUREAU

Level 2, 97 Northbourne Avenue, Turner ACT 2612
Ph (02) 6173 1500 | Fax (02) 6262 9833
www.adstandards.com.au
ACN 084 452 666

Case Report

1	Case Number	0225/14
2	Advertiser	Mars Leathers
3	Product	Clothing
4	Type of Advertisement / media	Poster
5	Date of Determination	09/07/2014
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

- 2.2 - Objectification Exploitative and degrading - children
- 2.4 - Sex/sexuality/nudity S/S/N - sexualisation of children

DESCRIPTION OF THE ADVERTISEMENT

Poster in the window of Mars Leather featuring a group of men dressed in denim and leather and a naked toddler wearing boots and sunnies. The child's groin is covered by the bar of the wooden fence the group is stood behind.

THE COMPLAINT

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

I have a young son myself and looking at the poster made me cringe. I was with a colleague and throughout our conversation, I felt that the poster is inappropriate and should at least be taken down. It is also positioned low from the floor (on the right hand side of the entrance) at child eye level. The nude boy was very obvious, as he is in front of all black leather clad men. Given the current media attention on sex offence cases involving young boys, it is inappropriate even at the best of times, but certainly more so now.

THE ADVERTISER'S RESPONSE

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

The poster is a Thomas Cook ad for Johnny reb boots which we have had on display for over 30 years give or take.

In that time we have had only one complaint who on the first occasion they approached us was because they didn't like one person in the poster because they believed they knew the person.

And as I mentioned over the phone the brother of the child who is completely grown up was happy to see the poster was still around

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 that the advertisement features an image of a naked young boy surrounded by grown men who are clothed and that this is inappropriate. The Board viewed the advertisement and noted the advertiser’s response.

The Board considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: “Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.”

The Board noted the advertisement features a group of men wearing denim and leathers with a small boy wearing only boots and sunnies. The Board noted the text reads, “Thomas Cook Johnny R. Born tough”. The Board noted the advertiser’s response that the poster is an advertisement for boots and has been on display in their store for over thirty years.

The Board noted that although the young boy is apparently naked his groin is covered by the wooden paling of the fence the group are standing behind. The Board considered that regardless of whether the boy is wearing briefs the image is intended to suggest that the boy is naked except for leather boots. The Board noted that since this advertisement was first published there has been a significant increase in public awareness and sensitivity regarding images of children.

The Board considered that the advertisement does employ what might be considered by some members of the community as sexual appeal.

The Board noted the Practice Note for Section 2.2 which provides: “In advertisements where images of children are used, sexual appeal is not acceptable and will always be regarded as exploitative and degrading...Children must not be portrayed in a manner which treats them as objects of sexual appeal”.

The Board acknowledged that the image was intended to be an innocent portrayal of a young boy trying to appear tough alongside the grown men but considered that the Practice Note to the Code leaves the Board obliged to uphold the complaint once there is any suggestion of sexual appeal in the advertisement.

The Board determined that the advertisement did breach Section 2.2 of the Code.

The Board 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 Board noted the juxtaposition of a group of large, powerful and clothed men, some of whom are drinking alcohol, surrounding an almost naked young boy. The Board considered that community standards on appropriate depictions of children have changed over many years. In the Board’s view the image suggests nudity of a child in the company of a group of

adult men in a context which does not clearly justify the nudity and in the context of the advertised product the level of nudity, especially of a child, is not appropriate for a broad audience.

Based on the above the Board considered that the advertisement did not treat sex, sexuality and nudity with sensitivity to the relevant audience.

The Board determined that the advertisement did breach Section 2.4 of the Code.

Finding that the advertisement breached Sections 2.2 and 2.4 of the Code the Board upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

We have completely obscured/covered the lower half of the poster it is no longer visible to any one walking past the store.

The outer window now has a outdoor sticker which covers the entire lower portion of the poster leaving only the adults heads and upper torsos visible we have also reinforced this by putting another blocker behind the sticker ensuring that no matter how much one would try to see through the sticker anything behind it cannot be seen.