



## CASE REPORT

1. Complaint reference number	111/09
2. Advertiser	Skins Compression Garments
3. Product	Clothing
4. Type of advertisement	Print
5. Nature of complaint	Violence Other – section 2.2
6. Date of determination	Wednesday, 8 April 2009
7. DETERMINATION	Upheld – discontinued or modified

## DESCRIPTION OF THE ADVERTISEMENT

Advertisement is an image showing a woman wearing athletic garments – full length skins pants and a skins singlet. The woman is shown kicking her right leg with full extension past the head of a woman (who is wearing different clothes). Surrounding her, lying on the ground are many bodies, all of the same person. The bodies are in many different positions with varied poses and expressions. The bodies are covered in stains, grime and what appears to be blood.

## THE COMPLAINT

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

*I am writing to complain about an advertisement, a copy of which is attached, appearing today in the 'Body and Soul' section of the Sunday Telegraph newspaper. To say I am appalled is an understatement! believe this advertisement breaches section 2.2 of the Advertising Code of Ethics which states:*

*2.2 Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.*

*Are Skins and their advertising agency so emotionally bankrupt that they must resort to such advertisements portraying such violence? Given the current behaviour of some in our community who believe resorting to violence is a way of solving their differences do we really need to perpetuate it as a theme in advertising? Or perhaps Skins and their agency are so bereft of talent that they must resort to using appalling imagery in their advertisements to create free publicity for their products? Do we not have enough violence in our community both real and in what passes for entertainment? Also and, most importantly, violence has NO place in sport. Given that they have used what some may describe as racist images in the past and after a recent Court decision upholding a complaint brought by the ACCC on misleading and deceptive advertising, I suppose one must not be surprised.*

## THE ADVERTISER'S RESPONSE

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

*In response to the issues raised the by the complainant, we ask the Advertising Standards Board to consider the points listed below. These points have been prepared in direct response to the complainant's assertion that the advertisement in question breaches Section 2.2 of the Advertising Code of Ethics, which states:*

*Advertising or Marketing Communications shall not present or portray violence unless it is*

*justifiable in the context of the product or service advertised.*

*Our response is as follows:*

- We refute the suggestion that this advertisement presents or portrays unjustifiable violence.*
- This advertisement is a visual representation of one of the biggest battles that Skins believe many of its target customers – in this case, women – face on a daily basis.,. That is, the battle to get the body they want and keep it that way. Our creative execution shows a confident young woman dressed in Skins™ products battling with hundreds” of versions of herself.*
- The message we are sending to women is that they are empowered and not limited to the body shape they have inherited. The message is that the Skins™ She range equips women to fight the daily battle that they may have with their own genetic form.*
- The woman in this advertisement is competing with herself in order to achieve the body she wants.*
- The ads have been created as a metaphor for the way women dislike their body image therefore utilising a consumer truth.*
- This is not about battling against other people but rather that our hero is at war with her biological shortcomings. The intention has always been for women to walk away from this ad knowing they can win the inner (and outer) battle.*
- The headline, Defy Genetics, implies that you’re not restricted to the body you’ve inherited. You’re not resigned to a certain path that you can’t change. With willpower and Skins™ you can overcome many physical limitations. This idea has always intended to be incredibly inspirational and to highlight the technological advances that Skins™ products offer.*

*On the above information, we refute the suggestion that our Defy Genetics creative execution is in breach of section 2.2 of the Advertising Code of Ethics.*

*We also do not believe that there are any issues within the advertisement that fall broadly within Section 2 of the AANA Code of Ethics.*

*We trust that this response meets with your requirements, but please call if you require any further information.*

## **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 concern that the advertisement is violent.

The Board noted that section 2.2 of the Code of Ethics states that advertisements 'shall not present or portray violence unless it is justifiable in the context of the product or service advertised.'

The Board considered that the image is one that is violent in that it depicts a woman who has beaten and knocked to the ground a large number of other women. Blood and injuries or pain are suggested in the advertisement. The Board noted the advertiser's intention that the image depicts the woman beating her own negative self-image. The Board considered that this theme was not clearly apparent, that it was difficult to see that the woman has beaten herself, but that in any case the other versions of the woman are depicted hurt and this violence depicted was not justified by the product advertised. The Board determined that the advertisement breached section 2.2 of the Code and therefore upheld the complaints.

## **ADVERTISER'S RESPONSE TO DETERMINATION**

Comments which the advertiser made in response to the determination regarding this advertisement included the following:

*We refer to your email of 14th April 2009 in which you asked Skins Compression Garment's Pty Ltd to confirm our action in relation to the Board's decision to uphold the above complaint.*

*We have discontinued the advertisement in its current format. there was one insertion left to run for which we are beyond material deadline so it is impossible for us to supply new material.*

*If we run the material again in the future we will modify the ad. We trust this meets with the requirements of the ASB.*