

## Case Report

1. Case Number :	0109-23
2. Advertiser :	Kenzo
3. Product :	Clothing
4. Type of Advertisement/Media :	Internet
5. Date of Determination	28-Jun-2023
6. DETERMINATION :	Dismissed

### ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

### DESCRIPTION OF ADVERTISEMENT



This internet advertisement is the image on the home page of a website. It depicts two darker-skinned women wearing a blue and white outfit, respectively.

### THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

*I believe this is racialising the models and is linked to a history of comparing people of colour to jungle animals. I think this ad is racist and dehumanising*

### THE ADVERTISER'S RESPONSE

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

*We understand that Ad Standards has received a complaint regarding Kenzo's "Varsity Jungle" advertising campaign.*

*The complaint objects to "models who are black" with the caption "Varsity Jungle" on the basis that is racialising the models and is linked to a history of comparing people of colour to jungle animals. The complaint alleges that the advertisement is racist and dehumanising.*

*We understand section 2.1 of the Ad Standard Code of Ethics prohibits discrimination or vilification of any individual or group of people on the basis of certain defined attributes (including race, ethnicity, nationality, gender, age, sexual orientation, religion, disability, mental illness or political belief). The Code defines "discrimination" as unfair or less favourable treatment, and "vilification" as humiliates, intimidates, incites hatred, contempt or ridicule.*

*Kenzo submits that the Varsity Jungle does not contravene section 2.1 of the Code (nor any other provision of the Code).*

*In the context of the "Varsity Jungle" campaign, the reference to "jungle" reflects the subject of the fashion prints in the collection: an elephant and a tiger. The inclusion of these prints pays tribute to the Kenzo brand's founder, Kenzo Takada and his passion for nature in the following ways:*

- The elephant, said to have the greatest memory of all animals, was Takada's favourite animal. The late designer, who was himself known for having a good memory, loved to feature representations of elephants in his collections, both as a motif and a symbol.*
- The tiger is another animal that inspired Takada; the very first tiger motif appeared in Kenzo collections in 1975.*

*The reference to "varsity" is a reference to a skilled squad, crew or team.*

*The Varsity Jungle advertisement features individuals of diverse races and ages, and a diverse range of individual models are also featured in product images on the Kenzo website, such that the collection's name "Varsity Jungle" cannot be said to be directed to any particular race or ethnicity (and certainly not with any negative connotation).*

*Contrary to the complaint, the vision for the Varsity Jungle campaign is to celebrate values of togetherness and closeness among families and crews. It achieves this objective by depicting vibrant models of diverse races, ethnicities and ages. No model is depicted in a manner that discriminates against or vilifies their particular racial identity, or any other attribute. Contrary to the complaint, there is no link whatsoever between people of a particular race or ethnicity (including models who are "black" as referenced in the complaint) and the jungle theme of the product range and advertisement.*

*For completeness we also note the advertisement does not breach any other section of the Code because the advertisement:*

- *does not feature sex appeal (section 2.2 of the Code);*
- *does not portray violence (section 2.3);*
- *does not, directly or impliedly, emphasis sex, sexuality and nudity, and therefore those matters have been treated with sensitivity (section 2.4);*
- *does not feature any inappropriate language (section 2.5);*
- *does not depict material contrary to Prevailing Community Standards on health and safety (section 2.6); and*
- *is clearly identifiable as advertising, because it appears on Kenzo's own website where the brand's products are available for sale (section 2.7).*

## **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 complainants' concerns that the advertisement is racist.

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

**Section 2.1: Advertising shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual orientation, religion, disability, mental illness or political belief.**

The Panel noted the AANA Practice Note which provides guidance on the meaning of:

- Discrimination - unfair or less favourable treatment
- Vilification - humiliates, intimidates, incites hatred, contempt or ridicule
- Race - viewed broadly this term includes colour, descent or ancestry, ethnicity, nationality, and includes, for example, ideas of ethnicity covering people of Jewish or Muslim origin.

**Does the advertisement portray material in a way which discriminates against or vilifies a person on account of race?**

The Panel noted the advertiser's response that this image was part of a wider campaign featuring multiple images. The Panel noted that it would usually only consider the individual advertisement complained of, as not all viewers would be aware of the wider campaign, however in this instance all images were available in the same webpage. The Panel considered that advertisements for this range of clothing included people from a wide range of backgrounds and appearances and did not draw any correlation between the term 'jungle' and people of a particular race.

The Panel noted that there is a negative association between people of darker skin tones and the term 'jungle'. The Panel considered that while diversity in casting is commendable, advertisers should be careful when casting for advertisements which may reflect historical inequalities.

The Panel considered that the women's race and skin tone were not referred to in the advertisement and their depiction was not related to their race. The Panel noted that the term 'Varsity Jungle' is the name of the product range, and this would be evident to most people viewing the advertisement.

Overall, the Panel considered that the women were not seen to receive unfair or less favourable treatment because of their race. The Panel considered that the women were not depicted in a manner which ridiculed or humiliated them on account of their race.

#### **Section 2.1 conclusion**

Finding that the advertisement did not portray material in a way which discriminates against or vilifies a person or section of the community on account of race, the Panel determined that the advertisement did not breach Section 2.1 of the Code.

#### **Conclusion**

Finding that the advertisement did not breach any other section of the Code, the Panel dismissed the complaint.