

Case Report

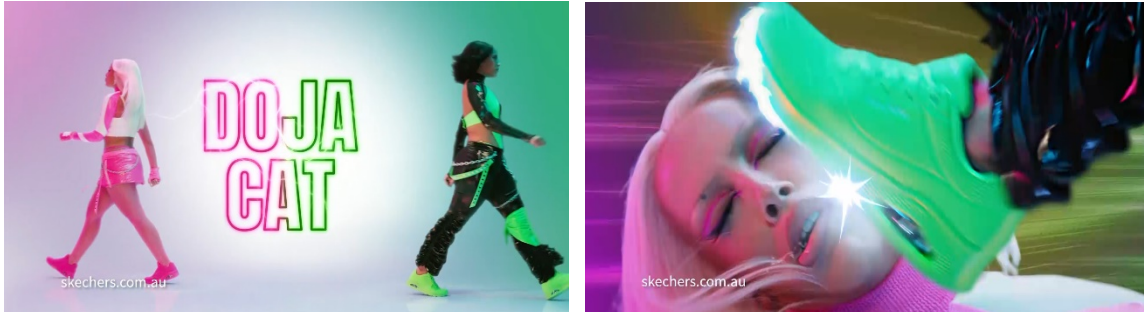
1. Case Number :	0182-23
2. Advertiser :	Accent Group Limited
3. Product :	Clothing
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Decision:	13-Sep-2023
6. Decision:	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.3 Violence

DESCRIPTION OF ADVERTISEMENT

This television advertisement for Skechers features musician Doja Cat versing herself in an arcade style fight scene.



THE COMPLAINT

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

With the current level of youth crime and violence in our communities, I don't believe it is wise to be portraying violence as a norm.

THE ADVERTISER'S RESPONSE

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

Thank you for providing an opportunity to respond to the complaint against our advertisement. Accent Group Limited would like to make clear that our employees,

advertising agencies and brand partners such as Skechers, are acutely aware of our responsibility to the community in relation to the standard of our advertising and as such we take any complaints seriously.

Having considered this matter in detail, Accent Group believes that the advertisement does not breach the AANA Code of Ethics (Code), having regard to section 2.3 of the Code or otherwise.

The advertisement is part of an anime-inspired campaign to promote the collaboration between the brand distributed in Australia by Accent Group, Skechers, and the global superstar and style icon, Doja Cat, releasing a reimagined Skechers Uno sneaker in a range of bold colours. Doja Cat is a Grammy Award-winning artist, named as one of the 100 most influential people of 2023 by TIME Magazine and known for her fierce image and chart-topping songs. The ad seeks to convey the benefits of the Skechers Uno adult female shoes coming in multiple bold colours as a way for consumers to feel empowered and express their personal style.

The Code – Section 2.3

Section 2.3 of the Code prohibits the portrayal of violence unless it is justifiable in the context of the product or service advertised.

We are of the view that the advertisement does not feature violence. The advertisement is intended to be a metaphor for a “fight” between different sides of oneself. This “fight” is shown in a stylised, video game/ anime style referencing several different cultural art forms rather than focussing on a depiction of violence. This is reinforced by the fact that the advertisement does not show the consequences of violence such as blood or injury and rather displays the “fight” in a stylised, magical manner. We are of the view that the community would recognise that the stylised blows do not have an intent to injure but rather to win a video game styled, metaphorical battle within oneself, and in doing so to empower the individual. This is supported by the shot at the end of the “fight” of the two versions of Doja Cat standing together in a shared victory on top of the shoes.

Alternatively, if the Panel considers that the advertisement does depict violence, our view is that it is justified in the context of the Skechers Uno shoes that it is promoting. The product comes in a range of different colours designed to empower consumers to express their artistic sense and their individuality. The “fight” concept is designed to convey the idea of having different sides to yourself that are powerful in different ways which can be expressed artistically through the way you express your appearance, including with the product. These views have been expressed by Doja Cat and her creative director in the public arena (see for example: <https://www.girl.com.au/doja-cat-skechers-uno.htm>; Doja Cat teams up with Skechers for an iconic campaign (thepinknews.com)). In this way the “fight” is directly related to the different bold colourways of the Skechers Uno shoe, allowing these different, strong forms of self-expression.

We also understand that there can be more leeway where ‘the depiction [of violence] is stylised rather than realistic’ (Code of Ethics - Practice Note page 8) and on this point refer to the fact that the advertisement is set against colourful backgrounds with magical special effects making it clear the advertisement is not happening in reality and is a stylised depiction of a metaphorical fight. We advance our view also that the manner in which this is done, referencing anime, is still in an adult manner – depicting a real adult rather than cartoon characters and targeting adult consumers for an adult product – rather than in a manner intended to be attractive to children, and doing so in an empowering, artistic way.

Therefore, if the Panel considers that there is violence, we invite the Panel to conclude that any such violence shown in the advertisement is minimal and is justifiable in the context of the product advertised.

The Code - Section 2.6

Section 2.6 of the Code prohibits advertising content that is contrary to Prevailing Community Standards on health and safety.

For completeness, we have also considered section 2.6 in relation to the advertisement. We understand that advertisements which feature exaggerated or fantastical elements, which are unlikely to be seen as realistic by the relevant audience, are unlikely to be found to be encouraging or condoning unsafe behaviour (Code of Ethics - Practice Note page 11). Referring to the various aspects of the advertisement referred to previously to highlight its metaphoric, anime-inspired magical style, we consider that members of the community would not be encouraged to engage in any unsafe behaviours, recognising that the stylistic, fantastical “fight” is an internal battle that is not happening in reality nor with realistic movements, and that the advertisement does not show unsafe behaviour. In this way, we consider the advertisement aligned with Prevailing Community Standards on health and safety.

The remainder of the Code

In respect of the remainder of the Code of Ethics, the advertisement:

- does not discriminate or vilify anyone;*
- does not employ sexual appeal;*
- does not include any sex, sexuality or nudity;*
- does not use strong or obscene language; and*
- is clearly distinguishable as an advertisement.*

We therefore consider that the advertisement does not breach the Code.

THE DECISION

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

The Panel noted the complainant’s concern that the advertisement portrays violence.

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

Section 2.3: Advertising shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

The Panel noted that the Practice Note to the Code includes:

“Although the depiction of violence in an advertisement may be relevant to the story being told in the advertisement, any violence must also be justifiable in the context of the product being advertised, or else will be in breach of this section of the Code. ...In considering whether the violence or menace depicted in an advertisement is justifiable, the Community Panel may have regard to the audience of the advertisement. Graphic depictions of violence or a strong suggestion of menace have been found to present violence in an unacceptable manner especially when visible to a broad audience which includes children...More leeway is permitted where the depiction is stylised rather than realistic. However, advertisers should exercise caution when using cartoon violence as a cartoon style may be attractive to children.”

The Panel noted that the advertisement featured highly stylised intercut scenes of the main character fighting herself. The Panel considered that the style of the advertisement was similar to fighting video games and comic books.

The Panel considered that there was no blood or gore in the advertisement, and the depictions of harm were consistent with cartoon-style violence (aggressor floating in the air, impact flash, freeze frame on impact, no signs of injury).

The Panel considered that the overall theme and feel of the advertisement was light-hearted and humorous. The Panel considered that the advertisement would be unlikely to cause alarm or distress to anyone who may view the advertisement, including young children.

The Panel determined that the very low level of stylised violence in the advertisement would be justifiable in advertising any product.

Section 2.3 Conclusion

The Panel determined that the violence portrayed in the advertisement was justifiable in the context of the product or service advertised and did not breach Section 2.3 of the Code.

Conclusion

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