

COMPLAINT NUMBER	22/115
ADVERTISER	Augustine Limited
ADVERTISEMENT	Augustine Limited, Facebook/Instagram
DATE OF MEETING	19 April 2022
OUTCOME	No Grounds to Proceed

Advertisement: The Facebook post by "Augustine by Kelly Coe" promotes the kids activewear range. The image shows twelve girls, ranging in ages, in a gym environment and wearing brightly coloured tights and crop tops. The caption states, "How adorable are the kids from our kids activewear shoot?!" The entire collection launches is online and in stores now! Sizes 6-12 yrs. A huge collection but last time it sold out in minutes. So be quick."

The Instagram post by @augustinebykellycoe promotes the kids activewear, Sweat Republic junior. The post includes ten images of young girls in groups of two or three at a gym, smiling at the camera and wearing brightly coloured leggings, shorts, crop tops and tank tops. The caption states "More snaps from our kids activewear shoot today for Sweat Republic junior. Launching Sunday 7PM. Sizes 6-12yrs. ❤️❤️".

The Chair ruled there were no grounds for the complaint to proceed.

Complaint: Rule 1 (e) Body Image

Advertising must not provide an unrealistic sense of body image or promote an unhealthy lifestyle. This includes denigration of healthy diets or lifestyles.

The diversity in the range of young girls selected for this shoot is non-existent and the body shapes selected depict a harmful standard which is unattainable for most kiwi girls who the ad targets. On top of this the target market of '6-12' year old girls are pictured in an adult weightlifting gym - where the nature of exercise is to alter body shape to fit an adult ideal. Not only does this further contribute to body image and eating disorder issues but girls wouldn't even be allowed to have memberships to a gym like this for health and safety reasons.

The relevant provisions were Advertising Standards Code - Principle 1, Rule 1(c); Children and Young People Advertising Code - Principle 1, Rule 1(e);

ADVERTISING STANDARDS CODE

Principle 1: Social Responsibility: Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.

Rule 1(h) Health and well-being: Advertisements must not undermine the health and well-being of individuals.

CHILDREN AND YOUNG PEOPLE'S ADVERTISING CODE

Principle 1: Social Responsibility: Advertisements targeted at children or young people must not contain anything that is likely to result in their physical, mental or moral harm and must observe a high standard of social responsibility.

Rule 1 (e) Body image: Advertising must not provide an unrealistic sense of body image or promote an unhealthy lifestyle.

The Chair noted the Complainant was concerned the advertisement lacked diversity and showed unrealistic body shapes in an inappropriate weight-lifting setting which could be harmful to the target audience.

The Chair carefully reviewed the Facebook and Instagram advertisements and in her view the group of young people in activewear had realistic body shapes for their age.

The Chair noted the Complainant's concern about the setting of a weightlifting gym but said this was a background setting and was likely to be viewed by consumers as a creative detail intended to compliment the activewear rather than a promotion for a particular exercise regime. The Chair said there were no depictions of the young people using the equipment in the advertisement and the likely consumer takeout of the advertisement did not promote an unhealthy lifestyle. The advertisement did not therefore undermine the health and wellbeing of children.

The Chair said the advertisements had been prepared with the requisite level of social responsibility and did not reach the threshold to breach Principle 1 or Rule 1(h) of the Advertising Standards Code or Principle 1 and Rule 1(e) of the Children and Young People's Advertising Code.

The Chair ruled there were no grounds for the complaint to proceed.

Chair's Ruling: Complaint **No Grounds to Proceed**

APPEAL INFORMATION

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website www.asa.co.nz. Appeals must be made in writing with notification of the intent to appeal lodged within 14 calendar days of receipt of the written decision. The substantive appeal application must be lodged with the ASA within 21 calendar days of receipt of the written decision.