



## **CASE REPORT**

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|-------------------------------|---|
| 1. Complaint reference number | 96/04   |
| 2. Advertiser                 | Mattel Pty Ltd (My Scene Dolls)   |
| 3. Product                    | Toys & Games  |
| 4. Type of advertisement      | TV  |
| 5. Nature of complaint        | Portrayal of sex/sexuality/nudity – section 2.3<br>Advertising to Children Code – Other – section 2.4 |
| 6. Date of determination      | Tuesday, 11 May 2004  |
| 7. DETERMINATION              | Dismissed   |

## **DESCRIPTION OF THE ADVERTISEMENT**

The advertisement depicted Mattel My Scene Doll characters featuring in their own movie “Jammin’ in Jamaica”. The dolls were featured wearing beach and swim wear and having a party on the beach with other male and female doll characters. The dolls were featured having drinks out of empty fruit shells and hanging out on the beach in their swim wear.

## **THE COMPLAINT**

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

*“The dolls are dressed in next to nothing!”*

*“... for young girls to be idolizing what is clearly inappropriate, provocative dress is most disturbing.”*

*“Can you not see how this is glorifying alcohol consumption .... to kids!”*

*“Overall the advertisement says ... “dress up like a tart to get attention, drink alcohol to have fun and flirt with boys for a good time”.”*

*“If you are comfortable with girls as young as five in our generation soaking this up, then you seriously need to question your own values.”*

## **THE ADVERTISER’S RESPONSE**

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

*“Although in a small number of scenes, the dolls are wearing bikinis, in many scenes the dolls are wearing what most would consider to be extremely modest beachwear.”*

*“The dolls are seen drinking from pineapples and coconuts. We fail to see how this implies that they are drinking alcohol. To the extent that cocktails are sometimes served in pineapples and coconuts, we sincerely doubt whether children would be aware of this fact and, even if they were, whether they would assume that alcohol was being drunk.”*

*“The drinks are served from a table on the beach, with no signage and no bottles.”*

*“We fail to see how depicting healthy relationships between the sexes could be regarded as inappropriate. The male doll’s affections towards the female doll are not sexual or lewd.”*

## **THE DETERMINATION**

The Advertising Standards Board (“Board”) was required to determine whether the material before it was in breach of the AANA Code of Advertising to Children.

To come within the AANA Code of Advertising to Children, the material being considered must be an “advertisement”. The AANA Code of Advertising to Children defines an “Advertisement” as follows:

*“matter which is published or broadcast other than via internet, direct mail, point of sale, packaging or direct distribution to individuals, in all of Australia or in a substantial section of Australia for payment or other valuable consideration and which draws the attention of the public or a segment of it to a product, service, person, organisation or line of conduct in a manner calculated to promote or oppose directly or indirectly the product, service, person, organisation or line of conduct”*

The Board decided that the material in question was broadcast in all of Australia or a substantial section of Australia for valuable consideration, given that it was being broadcast on television in Australia.

The Board determined that the material draws the attention of the public or a segment of it to a “product” being a Mattel My Scene Doll “in a manner calculated to promote... that product”. Having concluded that the material is an “advertisement” as defined by the AANA Code of Advertising to Children, the Board then had to determine whether the advertisement is for a “Product”. “Product” is defined in the AANA Code of Advertising to Children as meaning;

*“goods, services and facilities which are targeted toward and have principal appeal to Children”*

“Children” are defined in the AANA Code of Advertising to Children as being 14 years old or younger. The Board determined that, because a Mattel My Scene Doll is a toy that appeals to Children, it is a “good” targeted toward and having principal appeal to Children and accordingly is a Product. The Board then needed to determine whether the advertisement is an “Advertisement to Children”, which is defined in the AANA Code of Advertising to Children as meaning:

*“Advertisements which, having regard to the theme, visuals and language used, are directed primarily to Children and are for Product”.*

The Board determined that the theme of the advertisement was of four Mattel My Scene Doll characters starring in their own movie which is clearly directed to children. The Board also considered that the visuals of the advertisement which included an animated make believe movie scene with children’s dolls as the characters have principal appeal to Children. Such factors confirmed the Board’s decision that the advertisement is an Advertisement to Children and therefore one to which the AANA Code of Advertising to Children applies.

The Board then analysed the specific sections of the AANA Code of Advertising to Children and their application to the advertisement. The Board identified that clauses 2.9.1 and 2.11.1 were relevant in the circumstances.

In order for clause 2.9.1 to be complied with, the advertisement must not:

*“... be for, or relate in any way to, alcoholic drinks or draw any association with companies that supply alcoholic drinks. ”*

The Board reviewed the advertisement carefully and noted that there were no overt indications that the doll characters were drinking alcohol. The dolls were drinking out of empty fruit shells, however, there was nothing to suggest that those fruit shells were filled with alcoholic beverages and could easily have been filled with fruit juice.

In order for clause 2.11.1 to be complied with, the advertisement must:

*“... comply with the AANA Advertiser Code of Ethics.”*

The Board therefore considered whether this advertisement breaches section 2 of the AANA Advertiser Code of Ethics (“the Code”).

The Board found that in the context of prevailing community standards the advertisement did not breach the provision of the Code relating to the portrayal of sex/sexuality/nudity or any other provision of the Code.

On the above basis, the Board held that the material before it did not constitute an Advertisement to Children in breach of sections 2.9.1 or 2.11.1 of the AANA Code of Advertising to Children.

Accordingly, the complaint was dismissed.