



CASE REPORT

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| 1. Complaint reference number | 17/09 |
| 2. Advertiser | Lyndi J Australia |
| 3. Product | Clothing |
| 4. Type of advertisement | Print |
| 5. Nature of complaint | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination | Wednesday, 21 January 2009 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This print advertisement from Lyndi J Australia for its new clothing collection has images of girls and young women modelling horse riding jodhpurs. Some of the tops worn by the models are high cut and show the model's midriff. The words, "All I want for Christmas" are at the top of the advertisement with "Lyndi J new collection - whatever the choice you're sitting pretty" written at the bottom. There is a young girl in the foreground, side on to the viewer, with her hand on her hip.

THE COMPLAINT

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

Objectionable ad in Horse Deals, Dec. 2008, p 215. Sexualization of 10 to 12 yr old girl, with braces on teeth. I feel that it is quite unnecessary and unacceptable to take advantage of a child's innocence to sell jodhpurs.

THE ADVERTISER'S RESPONSE

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

Please find attached the copy of the advertisement. As discussed I run a small business from home which I set up in order to be around my young family (7 year old son and 3 and 1 year old daughters). Being a mother, I was deeply saddened by an angry woman contacting my business colleague last month in order to complain about my recent advertisement. She refused to leave her name and number so I could return her call. I have been a regular advertiser in Horse Deals magazine for some five years and have never received any complaints of this nature.

The young lady with braces is Emma who has modelled regularly for me for the last five years, she is 13 years old (turning 14 this year) and her hobbies include gymnastics and modelling. Her mother Dawn is always present at every photo shoot (something I am insistent upon) and her younger sister has also modelled for me. Her mother said she was not getting any modelling work because she now has braces on her teeth and that is why I chose her as my feature model. She was "over the moon" to be chosen as our main feature in place of the adult females that are in the ad (they are 20 and 24 years old). The jodhpurs she is wearing is a low rise design, which has been extremely popular amongst the "tween" market, instead of the old fashioned high rise designs. It is a correct sporting garment worn by many Australian female horse riders (we were fortunate to fit out the Saddle Club cast last year which is a very respectable ABC/Crawford television production about young girls and horses – they wore the low rise design). Emma and her mother will confirm that she loves working for us and is always very happy and comfortable with our photo shoots. There is a separate change room and I also work with a female photographer. I am confused and upset that I have somehow offended this person and I apologise as this was never my intent.

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 depiction of the girls in the advertisement are sexualised images of young women.

The Board viewed the advertisement carefully and noted that this advertisement appears in a horse magazine and that the advertisement is for horseriding clothing for girls and young women. The Board was strongly of the view that the images of the girls in the advertisement were appropriate both for the target audience (girls and young women with an interest in horse riding) and for the product being advertised (horse riding gear). The Board considered that the images of the girls were appropriate to the age of the models and were not overtly or impliedly sexual. The Board considered that the advertisement did not breach Section 2.3 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.