



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0054-20
2. Advertiser :	Fachat
3. Product :	Telecommunications
4. Type of Advertisement/Media :	App
5. Date of Determination	12-Feb-2020
6. DETERMINATION :	Upheld – Modified or Discontinued

ISSUES RAISED

AANA Code of Ethics\2.2 Exploitative or Degrading
AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This advertisement appears within the eBay app. It features three photos of a blonde girl in a white tank top that appear to have been taken by a webcam. The text beneath the images states “Fun face to face chat. Video chat with stranger. Meet new friends globally”.

THE COMPLAINT

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

It seemed quite inappropriate to show a girl that young with the premise of talking to strangers via video chat, seemed like bait for predators

THE ADVERTISER’S RESPONSE

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



Our app is for users above the age 18 of only. Since the app is being promoted globally, and in consideration of different policies and regulations in different countries regarding advertisements, we have stopped promoting the app in Australia. We hope this will clear up possible misunderstandings.

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 complainant's concern that the advertisement features sexualised images of a minor.

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

The Panel noted that Section 2.2 of the Code states:

"2.2 Advertising or Marketing Communication shall not employ sexual appeal: (a) where images of Minors, or people who appear to be Minors, are used; or (b) in a manner which is exploitative or degrading of any individual or group of people."

The Panel noted the Practice Note to this section of the Code which provides guidance on the meaning of the terms exploitative and degrading and in particular to the use of images where Minors or people who appear to be Minors are used:

"In advertisements where images of Minors, or people who appear to be Minors, are used, sexual appeal is not acceptable and will always be regarded as exploitative and degrading. Advertisements must not include sexual imagery, state or imply that Minors, or people who appear to be Minors, are sexual beings or that ownership or enjoyment of the advertised product will enhance their sexuality. Minors, or people who appear to be Minors, must not be portrayed in a manner which treats them as objects of sexual appeal."

The Panel first considered whether the advertisement contained sexual appeal.

The Panel noted that the girl in the advertisement appears to be in her early teens. The Panel considered that she is looking into the camera as she poses, and the angle and style of the images has the impression that the still images are taken from a webcam.

The Panel noted that in two of the images the girl appears to be pushing her chest forward as she poses, and has her hands placed near her waist. The Panel noted that in the first image the girl's nipple is visible through her shirt, and in the third image



she appThe Panel considered that the overall poses suggest that the girl is trying to appear alluring.

The Panel considered that as the girl in the image appears to a minor and her pose indicates that she trying to appear alluring, this is a depiction of a minor being portrayed in a manner which treats her as an object of sexual appeal.

The Panel determined that the advertisement and did breach Section 2.2(a) of the Code.

The Panel considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience”.

The Panel noted the Practice Note to the Code which states: “Models which appear to be young should not be used in sexualised poses.”

Similar to the comments above, the Panel considered that overall the image amounted to a depiction of a young person which is sexualised and is therefore not appropriate. The Panel determined that the advertisement did breach Section 2.4 of the Code.

The Panel considered whether the advertisement complied with Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Panel noted that the text of the advertisement states “Fun face to face chat. Video chat with stranger. Meet new friends globally”.

The Panel noted that there is significant community concern around cyber safety for children, and that there are ongoing cyber safety education messages in schools and through the broader community.

The Panel considered that although the advertisement would be viewed by a mostly adult audience using the eBay app, the use of a young girl in the advertisement and a call to action to talk to strangers and meet new people on line could be considered to be encouraging young children to disregard the important cyber safety messages and speak to strangers online.

The Panel considered that this suggestion would be considered by most members of the community to be against Prevailing Community Standards on cyber safety and did breach Section 2.6 of the Code.

Finding that the advertisement did breach Section 2.2, 2.4 and 2.6 of the Code the Panel upheld the complaint.



THE ADVERTISER'S RESPONSE TO DETERMINATION

Ad Standards noted that the advertiser has ceased promoting this app in Australia