



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0071/19
2	Advertiser	Sydney Gay and Lesbian Mardi Gras
3	Product	Entertainment
4	Type of Advertisement / media	Internet-Social-Twtr
5	Date of Determination	06/03/2019
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.2 - Objectification Exploitative OR degrading - children
- 2.4 - Sex/sexuality/nudity S/S/N - sexualisation of children

DESCRIPTION OF THE ADVERTISEMENT

This Twitter advertisement is promoting the event 'Queer Thinking' and included three photos and the caption "Coming up this weekend, @QueerThinking will bring together trailblazers, provocateurs and thought leaders. Read about all the panels here:" Two of the pictures feature images of people speaking at the Panels. The third is advertising Trans Day and features an image of a young girl.

THE COMPLAINT

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

One of the images included a young child, perhaps 10 years old. The child was done up in adult make-up and lipstick to make her appear sexualised. Young children in this context is entirely inappropriate.



THE ADVERTISER'S RESPONSE

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

This tweet was promoted to followers and friends of Sydney Mardi Gras, promoting our Queer Thinking panel of LGBTQI discussion. A particular focus this year is young people and their inspiring stories.

One participant was included on the panel and in our publicity. 14-year-old Evie Macdonald is transgender, and was there with her parents' presence and consent. The image supplied of her was given to us by her parents.

The complainant is concerned that the image produced "sexualises" a child, but that was not our intention, Evie's intention, or her parents' intention. Evie is of female appearance and her story is about finding her true identity as a female-identified transgender person.

The topic of transgender children has been presented in media and news stories often in the past few years as a significant number of children present with gender dysphoria. Examples are shown below:

<https://www.abc.net.au/tv/programs/transgender-kids-who-knows-best/>

<https://www.sbs.com.au/guide/article/2018/12/19/butterfly-portrait-trans-childs-courage-and-landmark-television-event>

Our intention would never to objectify, exploit, degrade or sexualise a child, and we would never feature a minor at our events without the express consent of their parents/guardians. Our intention was for the important topic of transgender youth finding their identity to be explored and addressed in a respectful forum.

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 that the Twitter advertisement featured an image of a young girl in a promotion of a Trans Day event.

The Panel first considered whether the advertisement contained sexual appeal.

The Panel noted the advertiser’s response that the girl is 14 and is represented in a non-sexualised manner.

The Panel considered that the girl was depicted wearing makeup, but considered that the makeup was consistent with the style of makeup worn by many teenagers and that the depiction of a teenage girl wearing makeup is not of itself sexualised. The Panel considered that the girl was depicted in a serious and sober manner and was not sexualised in any way. In the Panel’s view the advertisement did not contain sexual appeal and did not 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”.

Similar to the comments above, the Panel considered that the depiction of the young girl was not sexualised.

The Panel acknowledged that some members of the community would prefer a teenager not be used in an advertisement for an event about gender and sexuality, however considered that as the girl was presenting at the event it was appropriate that she was depicted in the advertising for it.

The Panel considered that the advertisement did not contain sex, sexuality or nudity and did not breach Section 2.4 of the Code.

Finding that the advertisement did not breach the Children’s Code or the Code of Ethics, the Panel dismissed the complaint.

