



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0259/16</b>
<b>2</b>	<b>Advertiser</b>	<b>Pacific Brands Holdings Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>Clothing</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Email</b>
<b>5</b>	<b>Date of Determination</b>	<b>22/06/2016</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.4 - Sex/sexuality/nudity S/S/N - sexualisation of children

## DESCRIPTION OF THE ADVERTISEMENT

This email advertisement features 9 images of women and children wearing different Bonds' products including yoga pants, crop tops, romper suits, a dress and a jacket. The text above the images reads, "Double Tappiness. Insta-worthy styles to steal via Social".

## THE COMPLAINT

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

*There were two girls, one about 6 and the other about 8 years old, advertising appropriate clothing, however both their poses was unduly sexualised. I am a Teacher and very aware of the sexualisation of children, and found this very disturbing.*

## THE ADVERTISER'S RESPONSE

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

*We write in response to complaints against the Bonds email newsletter for our 30% off Clothing promotion, specifically relating to the following sections of the AANA Code of Ethics:*

*2.1 - Discrimination or vilification*

*2.2 - Exploitative and degrading*

*2.3 - Violence*

*2.4 - Sex, sexuality and nudity*

*2.5 - Language*

*2.6 - Health and Safety*

*Bonds is a brand that Australians have known and loved for nearly 100 years and is primarily renowned for its range of underwear and apparel for the whole family. We would never want to offend Australian consumers or their families.*

*In regards to complaints that have been made to the ASB regarding sections 2.1 – 2.6 of the AANA Advertiser Code of Ethics, we take the opportunity to refute these as follows:*

*The imagery shown in the email newsletter was a selection of social media imagery from a range of bloggers and influencers who regularly engage with the brand. The imagery depicted was a montage of women and kids wearing Bonds apparel. The images are light-hearted and show kids being kids in their natural environment – some of the images show the children asleep. The intent was to showcase the product the children are wearing and not intended to sexualize children in any way.*

*Bonds is a brand that is for all Australians and we take every step to ensure we don't offend our audience. The imagery referenced in this complaint appeared on our owned social media channels prior to the email newsletter being sent, with no public feedback surrounding the sexualisation of children. The images received over 800 likes and 100's of positive comments.*

*In relation to sections 2.3, 2.5 & 2.6, we believe these sections to be irrelevant as the imagery in no way promotes violence, offensive language or danger to health and safety.*

*We trust upon receiving our written response that you will agree that the Bonds 30% off Clothing email newsletter does not breach the AANA Advertiser Code of Ethics.*

## **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 concerns that this advertisement depicts young girls in sexualised poses which is disturbing and inappropriate.

The Board viewed the advertisement and noted the advertiser’s response.

The Board 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 Board noted that this email advertisement features images of male and female models of different ages wearing various Bonds’ products. The Board noted the advertiser’s response that the images were taken from a selection posted by a range of bloggers on Social Media.

The Board noted the complainant’s concerns with two of the images which each feature a young girl aged around 6 – 8 years.

The Board noted that there is strong community concern regarding the sexualisation of children.

The Board noted the Practice Note to the Code which states:

“Advertisements with appeal to younger people which contain sexualised images or poses are to be used with caution. Models which appear to be young should not be used in sexualised poses.”

The Board considered the image on the top right of the advertisement which features a young girl in a striped dress posing with her left hand on her hip and her right hand resting against her face which is turned away from the camera. The Board considered that this pose is adult-like. The Board expressed an overall concern about any material that could be interpreted as the ‘adultification’ of children.

The Board noted it had previously upheld a complaint about an image of a young girl in case 0136/14 where:

“The Board noted that in the current advertisement the girl is wearing a short skirt and has her legs apart and considered that this pose is more adult than child-like. The Board noted that the clothing the young girl is wearing is clothing available to buy from the advertiser as part of their WitcheryKids range. The Board noted that the camera angle means that the image of the girl highlights the shortness of the skirt she is wearing.

The majority of the Board considered that overall the image amounted to a depiction of a child which is sexualised and is therefore not appropriate.”

In the current advertisement the Board considered that although the pose of the child is adult like in the Board’s view it is not a sexualised pose and unlike the image upheld in 0136/14 the current image does not focus on the shortness of the dress she is wearing but rather the dress as a whole, and the camera angle is face on to the child rather than looking up the child’s body. The Board noted that advertisers should take extreme care when using images of children but considered that overall the image of the girl in the striped dress presents a child in a pretentious pose rather than a sexualised pose.

The Board noted the second image which shows a young girl wearing patterned pants and matching top. The Board noted the girl is standing with her legs crossed and she is looking to

right and appears to be pouting. The Board noted that this image is more consistent with how children pose and considered that consistent with a previous determination in case 0494/15 regarding a girl modelling a swimsuit for Country Road, the girl in the current advertisement is not presented in a sexualised manner but rather as a young female model wearing age appropriate clothing and posing in an age appropriate manner.

The Board considered that the advertisement did not contain any sex, sexuality and nudity and determined that the advertisement did not breach Section 2.4 of the Code.

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