



## Case Report

1	Case Number	0329/12
2	Advertiser	Australian Psychic Expo
3	Product	Other
4	Type of Advertisement / media	TV
5	Date of Determination	08/08/2012
6	DETERMINATION	Dismissed

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

A woman and girl are standing facing the camera. The girl is wearing a summer dress the top of which has two triangles of fabric covering her chest. The woman says that the Australian Psychic Expo is back and the girl adds that it is going to be fantabulous. On screen throughout the commercial are the time, date and location of the event, along with website and contact details.

### THE COMPLAINT

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

*I am writing in regards to the 'Psychic Expo' ad. I believe that the daughter in this ad would be around 10 years old now. This age (in fact any age) of a child is much too young to be used as some sort of sick sexual exploitation. I am against any kind of sexual exploitation but when it is an adult that is their choice to be exploited, a child has no such choice. Children do not understand what is sexual exploitation so how can they make a choice? I believe it highly inappropriate that the child in question is wearing an extremely low cut dress that shows practically all her chest area. The 'Psychic Expo' ads of previous years were much more tasteful and family orientated. As a Mum I would not allow my daughter to be wearing a dress like that. She would be wearing a shirt underneath the dress or a dress that was more modest. I certainly would never allow my daughter on national TV so uncovered - it is unacceptable and disgraceful.*

*I ask that this ad be removed from being played on air as it is disgraceful in poor taste and it sets a disgusting example of that being born female is to be nothing without sexualised behaviour. It is every adult's responsibility to ensure children are safe and protected. This child may now be in danger from paedophiles due to the sexual exploitation of this ad.*

## **THE ADVERTISER'S RESPONSE**

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

*Thank you for the detailed copy of the complaint you recently received about our current television commercial which is being aired on Queensland's regional Seven Network. You mentioned in your email to me that Section 2 of the Code incorporates the AANA Code for Advertising and Marketing Communications to Children. I admit to having no experience in regard to this; however I should point out that we are not targeting children, which is why the commercials appear across various different time slots throughout the day and evening. The crux of the complaint is that, in the complainant's opinion, he/she believes it highly inappropriate that the child in question is wearing an extremely low cut dress that shows practically all her chest area. Without meaning to appear glib or dismissive of the complaint I feel it necessary to point out that the child, who had just turned 9 when the commercial was shot, has yet to develop, as is apparent for all to see. It is my view that the statement that this child may now be in danger from paedophiles due to the sexual exploitation of this ad is perhaps more indicative of the writer's attitude toward sexuality, rather than being in any way a realistic and credible analysis of the television commercial. However, in spite of this, if in your Board's opinion the commercial is unsuitable for airing, I will respect your decision and immediately replace it.*

## **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 advertisement features sexualised images of young girl wearing inappropriate, revealing clothing.

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 the advertisement features a woman and girl standing facing the camera (mother and daughter). The girl is wearing a summer dress the top of which has two triangles of fabric covering her chest. The woman says that the Australian Psychic Expo is back and the girl adds that it is going to be “fantabulous”. On screen throughout the commercial are the time, date and location of the event, along with website and contact details.

A minority of the Board considered that the images, of the young girl were of concern and that she is dressed in an outfit that has a very low V neck line that by design exposes a greater portion of her chest than some other styles may have

The Majority of the Board considered that the advertisement is clear in its depiction of a family based business that showcases the return of the psychic expo and portrays the mother and daughter in an extraverted manner to coincide with the excitement and enormity of the event.

The Board noted the complainant’s concern that the dress that the girl is wearing is revealing too much of her chest area and that it is inappropriate to have her dressed in this manner on television.

The Board considered that the colour and fabric of the dress chosen is typical of a style of dress that many young girls of a similar age would choose themselves because it is colourful and has multiple different patterns and shapes. The Board noted that the girl appears to be pre-pubescent and is not exposing any of her private areas.

The Board noted the Practice Note to the Code which states in part ‘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 that the depiction of a young girl in a low cut dress in the advertisement is not of itself a sexualized portrayal of the young girl and that the complainants concerns regarding inappropriate sexual behaviour was not an interpretation that would likely be shared with the majority of the community.

The majority of the Board considered that most members of the community would not consider the advertisement overtly sexualised and determined that the advertisement was not sexualised and did not breach section 2.4 of the Code.

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

