



Case Report

1	Case Number	0333/10
2	Advertiser	Waves Surfing Magazine
3	Product	Media
4	Type of Advertisement / media	Print
5	Date of Determination	11/08/2010
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

Advertising to Children Code 2.4 Sexualisation

DESCRIPTION OF THE ADVERTISEMENT

The image referred to in the attached complaint was one of 10 stickers on a sticker sheet enclosed with Issue Vol 30 No 8 of Waves Magazine a surfing publication for surfing youths. The image is of two young females with faces partly covered by the WAVES logo.

THE COMPLAINT

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

This sticker is showing two little girls in a provocative pose looking as though they are about to kiss appear to be naked (only the shoulder and up are visible) and wet. It is completely unacceptable to promote children in this manner. It is unclear as to the age of these girls as their eyes are covered by a Waves label which makes the ad appear to be even more child pornographic. Children should never be portrayed in this light and it is completely ridiculous that a magazine of this stature can be allowed to print stickers (which in most cases are used by young males in the Waves demographic) - to promote young girls in this way.

THE ADVERTISER'S RESPONSE

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

Waves Magazine is a magazine targeting a youthful surfer readership, published monthly. Each issue is accompanied by a tip on or circulation promotion such as a DVD, poster, key ring, drink holder, stickers etc. These products are generally provided by third parties and some of the design aspects are undertaken by our art team. The stickers referred to in the complaint are a combination of images provided by our clients and some sourced from artistic and photographic sites and agencies. The image described above was sourced from an image site by our artist and the WAVES logo added. It is not clear what the age of the subjects in the photo are. As can be seen from the attached image of the sticker sheet this is a random collection of images from cats to toast to old men. It was not intended in anyway to portray girls in a sexual manner. This is an artistic creation of images and nothing more. The sticker sheets were reviewed by the Editor, Circulation Director and Publisher prior to publication and it did not register that the image was inappropriate. We do not believe that the image above is in contravention of Prevailing Community Standards as specified in Section 2.4 of the Code for Advertising or Marketing to Children. If it is construed that this is not the case we have no hesitation in printing in the next issue of Waves Magazine that this was not our intention and apologise if anyone was offended or hurt by the image.

THE DETERMINATION

The Advertising Standard Board ('the Board') considered whether the advertisement complied with the AANA Code of Ethics ('the Code').

The Board noted the complainant's concern that this advertisement depicts children (possibly girls) naked, wet and in a position where they are about to kiss.

The Board noted the advertiser's response.

The Board considered whether the advertisement complied with section 2.3 of the Code: '...shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone'.

The Board noted that the image is part of a sheet of stickers which is provided in a Surfing magazine. The Board noted that the magazine is aimed at younger surfers and has a readership which is comprised of 41% 14 – 17 year olds and 11% under 11s.

The Board viewed the advertisement and considered that the sticker depicts a head and shoulders shot of two young children (probably girls but possibly a boy and girl) who are not seen to be wearing anything. The children are wet and are posed in a position where it looks as if they are about to kiss. The children's faces are obscured by the 'Waves' logo.

The Board considered that, although the faces of the children are obscured, the image of children is clear. The Board considered that the advertisement inappropriately depicted children in a sexualised or sexually suggestive pose. The Board considered that this depiction was inappropriate and not suitable for any audience. On this basis the Board determined that the advertisement breached section 2.3 of the Code.

The Board also considered whether the advertisement came within the AANA Code for Advertising and Marketing Communications to Children (the Children's Code) which applies in relation to advertising and marketing communications to children. Children are defined as being 14 years and younger. The Board noted that there is a measureable and not insignificant readership which is 14 years and younger. The Board considered that the advertisement breached section 2.4 of the Children's Code by including sexual imagery in contravention of prevailing community standards.

Finding that the advertisement breached section 2.3 of the Code and section 2.4 of the Children's Code the Board upheld the complaint.

ADVERTISER RESPONSE TO DETERMINATION

I refer to your letter regarding the above complaint and the Board's decision. Whilst we understand the interpretation made by the Board for the record we have not received any formal complaints directly about the said advertising/marketing material. The Waves magazine that carries the image referred to in the complaint will be recalled from sale this week and we confirm that the image will not be used again.