



Case Report

1	Case Number	0342/12
2	Advertiser	Witchery
3	Product	Clothing
4	Type of Advertisement / media	Internet
5	Date of Determination	22/08/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

Image of three young girls aged between 10 and 14 years old. They are wearing Witchery summer clothing from the Witchery8fourteen range and are looking directly at the camera. The image appeared in an emailed version of the Witchery8fourteen brochure sent to Witchery subscribers.

THE COMPLAINT

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

I have been a customer of Witchery and regularly receiving their online brochures. In the online brochure sent to me tonight Witchery has posed young children in their campaign with inappropriate expressions on their faces. These are provocative expressions usually the domain of people far older than these young children. The child actors would most likely not even understand why they would have been asked to commit to this type of staging.

In the 'Fourteen' section of the brochure (a line for girls fourteen years old) the actual poses the girls have been asked to make are again reminiscent of poses usually the domain of people many years older than they are.

Today parents are extremely concerned about the safety of their children: advertising very young children and young girls in this way could be dangerous to the lives of children who may see these poses and copy them. It is also very wrong for these young actors who would have been at the behest of the production team in doing what they were told. Young kids see

these expressions and think 'oh this is how cool kids are supposed to look like. I can do that too' and may attract into their lives elements that could place them at risk.

THE ADVERTISER'S RESPONSE

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

Witchery is disappointed to learn of the concerns of the complainant regarding the Witchery&fourteen campaign shot which appeared in a Witchery&fourteen EDM sent to Witchery&fourteen subscribers on the 2nd August 2012. We believe that this image and overlayed copy has been misconstrued in a manner that was not our intention.

The brand campaign reflects the strategic position of the Witchery&fourteen brand which has a level of sophistication for the modern girl 8 – 14 years of age. The girls were purposefully selected as authentic representatives of their age group (10, 12 & 14 years old) and we demonstrate this with real insights on who they really are, what they enjoy and how they positively live their lives. They are positive role models for 'tweens' their age and are lovely, talented girls who we proudly embrace as representatives of the Witchery&fourteen brand. Sarah is a talented musician, Bethany an incredible sports person and Isabella loves to write and surf. We see these girls as speaking to the Witchery&fourteen audience on a similar level, giving their generation a voice and expressing their individuality.

To safeguard the welfare of the children, we follow the strict guidelines provided by the Kids Guardian Code of Practice with a trained nurse monitoring their well-being for the duration of the shoot. NSW Children's Guardian office visited the shoot set to monitor the photographer and direction. They were satisfied that the girls were not being made to look non-age appropriate.

We also work with an intermediary body called TalentPay who are the actual formal employers of the young female talent.

We do not consider there to be any breach of section 2 of the 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 the advertisement features an image of young girls wearing provocative expressions and that this depiction is not appropriate.

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 three girls aged 10, 12 and 14 years and that they are promoting Witchery's clothing range for children aged 8 to 14 years. The Board noted that the complainant is a subscriber to Witchery and received the advertisement as part of an email from Witchery.

The Board noted that the three girls in the advertisement are wearing age appropriate clothing which covers their bodies. The Board noted the girls are all looking directly at the camera and do not appear to be wearing excessive make-up. The Board considered that the poses of the girls are not sexualised or provocative and that most reasonable members of the community would consider the girls to be portrayed in a manner which is confident and befitting of their actual ages.

The Board noted that the issue of the sexualisation of children is an issue of concern to the community however the Board considered that in this instance the advertisement does not present images of children which would be considered sexualised.

The Board determined that the advertisement treated sex, sexuality and nudity with sensitivity to the relevant audience and does not breach section 2.4 of the Code.

Finding that the advertisement did not breach the Code the Board dismissed the complaints.