



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0344/18
2	Advertiser	David Jones Ltd
3	Product	Clothing
4	Type of Advertisement / media	Email
5	Date of Determination	08/08/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This email advertisement is advertisement a new range of children's clothing at David Jones. It shows two girls walking away from the camera through an area with trees and wearing similar pink floral outfits. Their backs are exposed due to the cut of the outfits.

THE COMPLAINT

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

I feel the ad sexualises the young girls. It is deliberately showing the back of the dresses which i feel are not age appropriate for such young girls. The way they are presented in the advertisement is older then their age.

THE ADVERTISER'S RESPONSE

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



RESPONSE TO ADVERTISING STANDARDS COMPLAINT – DAVID JONES LTD (DAVID JONES)

REFERENCE NUMBER: 0344/18

We refer to the complaint received in relation to the David Jones' email entitled 'New Kids on the Block' sent to customers on 17 July 2018 (Advertisement).

David Jones Kids Campaign

By way of background, the Advertisement formed part of the David Jones Kids Campaign. Specifically, this Advertisement featured a collection of designer childrenswear, toys and nursery products sold at David Jones (full image - Attachment A). The relevant image of the two children holding hands was provided to David Jones by children's fashion brand, Marlo.

The Advertisement

The image features two young children, holding hands and walking in a park setting. The children are wearing dresses from the Marlo 'A Beautiful Garden' collection.

David Jones Response

David Jones was disappointed to learn that the Advertisement was misconstrued as sexualising the young children due to the style of their dresses. We strongly believe that the dresses were in fact age appropriate, further emphasised by their full sleeves and loose fitting style. The dresses do not hug the children's bodies, nor are inappropriately short. For your reference, we have also provided the 'front shot' of the image in the PDF attachment, which confirms the high necklines and flowing style.

David Jones believes that this image shows the children in a playful and natural environment. The children are depicted as two close friends. The natural themes in the image, emphasised by the warm sunlight and garden environment reinforces the carefree and innocent nature of the children. The Advertisement intended to capture the children in a natural, childlike and playful pose.

We can also confirm that at all times during the photo shoot, a parent or guardian was with the children to monitor their welfare. The children were treated respectfully and their wellbeing was a primary consideration throughout the photo shoot.

AANA Code of Ethics

David Jones takes great care in ensuring compliance with the AANA Code of Ethics (Code) and the AANA Code for Advertising and Marketing Communications to Children when it comes to advertising. Firstly, we confirm that whilst the Advertisement



features children, it is not aimed at them.

In relation to Section 2 of the Code, please see our comments on each part.

Part 2.1 (Discrimination or Vilification): The Advertisements feature two young children advertising dresses designed for young children. In no way do the Advertisements exclude, discriminate or vilify any person or section of the community.

Part 2.2 (Exploitative and Degrading): The Advertisements do not employ sexual appeal and there are no lewd, offensive or suggestive poses. The dresses worn provide appropriate coverage. It is impossible to sell children's clothing without showing images of them wearing it. We also consider the manner in which the Advertisements were filmed to be creative, positive and innocent – not exploitative or degrading.

Part 2.3 (Violence): The Advertisements do not contain any violence.

Part 2.4 (Sex, Sexuality and Nudity): The Advertisements contain no references to sex nor do they contain any nudity. Whilst the dresses have low backs, they are sufficiently covered by reason of their high neckline, long sleeves and flowing style. There are no rude slogans, overly suggestive poses or lewd conduct.

Part 2.5 (Language): There are no words spoken in the Advertisement.

Part 2.6 (Prevailing Community Standards on Health and Safety): There are no health or safety issues arising from the Advertisement, nor does the Advertisement contradict any prevailing community standards on such issues.

Whilst David Jones respects the personal views of the complainant, David Jones considers that the Advertisements fully comply with the Code.

Should you have any further questions, please do not hesitate to contact us.

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 is sexualising children.

The Panel viewed the advertisement and noted the advertiser's response.

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".



The Panel noted that this email advertisement depicts two young girls walking away from the camera through an area with trees and wearing similar pink floral outfits. Their backs are exposed due to the cut of the outfits.

The Panel noted the complainant's concern that the advertisement sexualises the two girls in the advertisement by showing their backs, and that the clothing is not appropriate for their age.

The Panel considered the advertiser's response that the dresses were age appropriate and featured full sleeves and a loose fitting style. The Panel acknowledged that the advertiser provided a frontal photograph of the girls to show that the dresses were high necked at the front, but noted that the Panel could only consider the content of the advertisement as it appeared.

The Panel noted that the advertisement shows the girls backs from their neck to the small of their back, but that one dress features a criss-cross design and the other has draped material, similar to a cape, at the back.

The Panel noted that the hemline of the dresses is above the girls' knees, but that the length of the dresses was not inappropriate. The Panel considered that a child's back is unlikely to be considered sexual or explicit by the broad community.

The Panel noted that the children are holding hands, however considered that this is a common action for children and there is no implication in the advertisement that this action is sexual.

The Panel 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 Panel dismissed the complaint.

