



Case Report

1	Case Number	0441/16
2	Advertiser	Mixxmix
3	Product	Clothing
4	Type of Advertisement / media	Internet
5	Date of Determination	26/10/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.2 - Objectification Exploitative and degrading - children
- 2.4 - Sex/sexuality/nudity S/S/N - sexualisation of children

DESCRIPTION OF THE ADVERTISEMENT

This internet advertisement features an image of a girl looking over her shoulder at the camera. She is wearing a white and blue top and the text reads, "mixxmix 2016 Summer. Dream a summer fantasy with me".

THE COMPLAINT

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

Inappropriate caption for apparent age of model.

THE ADVERTISER'S RESPONSE

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

The advertiser has not provided a response.

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's caption was inappropriate considering the girl looked to be underage.

The Board viewed the advertisement and noted the advertiser did not provide a response.

The Board considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: "Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people."

The Board noted that this internet advertisement features an image of a girl looking over her shoulder at the camera which the text 'dream a summer fantasy with me'.

The Board noted that in order to be in breach of this section of the Code the image would need to use sexual appeal in a manner that is both exploitative and degrading.

The Board noted the Practice Note for Section 2.2 which provides the following definitions:

- "Exploitative means clearly appearing to purposefully debase or abuse a person, or group of person, for the enjoyment of others, and lacking moral, artistic or other values;
- Degrading means lowering in character or quality a person or group of persons."

The Board noted the complainant's concern over the age of the model. The Board noted that the model does look young but considered that she is fully clothed and the image is not sexualised.

The Board considered that the advertisement did not employ sexual appeal in a manner which is exploitative and degrading to any individual or group of people.

The Board determined that the advertisement did not breach Section 2.2 of the Code.

The Board then 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 the complainant's concern that the model in the advertisement is wearing a school tunic.

The Board noted that the model in the advertisement does look like a teenager but considered that her clothing does not look like a school uniform. The Board noted that only the girl's head and upper torso is visible in the advertisement and considered that there is no nudity and her pose is not sexualised or intended to be sexually suggestive.

The Board noted the complainant's concern over the wording of the advertisement and considered that a suggestion that a young girl, fully clothed, is dreaming of summer does not amount to sexual suggestion. The Board noted that the word 'fantasy' can have sexual connotations but considered that its use in the context of an image of a girl promoting a clothing range aimed at her peers is not sexual or inappropriate.

The Board considered that the placement of the advertisement on the Bureau of Meteorology (BOM) website was a clear link between the thought of summer dreaming and the onset of warmer weather.

The Board acknowledged that there is a high level of community concern around the sexualisation of children but considered that in this instance, the advertisement did not depict a sexualised image.

The Board considered that the advertisement did not depict 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.