



CASE REPORT

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| 1. Complaint reference number | 9/07 |
| 2. Advertiser | KMart Australia Ltd |
| 3. Product | Retail |
| 4. Type of advertisement | Print |
| 5. Nature of complaint | Portrayal of sex/sexuality/nudity – section 2.3
Discrimination or vilification Age - Section 2.1 |
| 6. Date of determination | Tuesday, 13 February 2007 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This print catalogue displays a range of children's wear and features a young girl wearing a pink "Dora the Explorer" 3-piece pyjama set.

THE COMPLAINT

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

I am disappointed with the amount of makeup the little girl is wearing. Even though children are made up for many ads, I think the bright pink lips and eye makeup are too much.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

From the outset please rest assured that Kmart Australia Limited ('Kmart') were concerned to learn of this complaint and have strict operating procedures in place, which clearly outline, among other things, that any form of Kmart advertising must not depict children wearing noticeable make-up. Kmart makes every effort to ensure that children are not represented in an inappropriate manner having regard to their age and appearance.

More specifically Kmart and our photographic agency 'PMP Digital Photography' are guided by a set of internal principals relating to the application of make-up on children. Children must not be depicted wearing lipstick and if make-up is used, only a light dusting of powder can be applied to the face and plain lip-gloss to the lips.

Kmart can further advise that the young girl pictured in our 20 December 2006 catalogue has 'naturally' red lips. The natural redness of her lips appears to be enhanced by the red tones of the page and the red/pink outfit she is wearing. Please be advised that the young girl pictured was not wearing lipstick or eye make-up in this advert or any previous Kmart adverts she has appeared in.

Based on this information we disagree with the complaint that the young girl pictured in our 20 December 2006 catalogue is 'heavily made-up'. I can also confirm that Kmart are unaware of any complaints of a similar nature.

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The board viewed the advertisement and considered whether it breached Section 2.3 of the Code dealing with sex, sexuality and nudity. In particular the Board considered whether the child featured in the catalogue had been depicted in a sexualised manner.

The Board took the view that the girl did not appear to have been heavily made-up. The Board noted that the the girl was wearing age-appropriate clothes, standing up straight facing the camera in a non-provactive pose, with a natural smile. The Board rejected strongly any notion that the girl had been sexualised at all. The Board agreed that the advertisement did not breach Section 2.3 fo the Code.

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