

## Case Report

<b>1. Case Number :</b>	<b>0053-24</b>
<b>2. Advertiser :</b>	<b>Wheels and Dollbaby</b>
<b>3. Product :</b>	<b>Clothing</b>
<b>4. Type of Advertisement/Media :</b>	<b>Internet - Social - Facebook</b>
<b>5. Date of Decision:</b>	<b>6-Mar-2024</b>
<b>6. Decision:</b>	<b>Upheld – Modified or Discontinued</b>

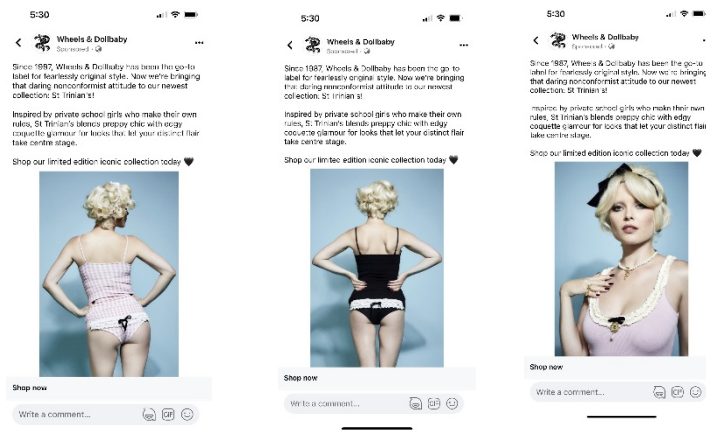
### ISSUES RAISED

AANA Code of Ethics\2.2 Exploitative or Degrading

AANA Code of Ethics\2.4 Sex/sexuality/nudity

### DESCRIPTION OF ADVERTISEMENT

This advertisement contains three images of women in tank tops and underpants. The caption states "Since 1987, Wheels & Dollbaby has been the go-to label for fearlessly original style. Now we're bringing that daring nonconformist attitude to our newest collection: St Trinians! Inspired by private school girls who make their own rules, St Trinians blends preppy chic with edgy coquette glamour for looks that let your distinct flair take centre stage. Shop our limited edition iconic collection today [black heart]".



### THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

*Sexualising children*

## THE ADVERTISER'S RESPONSE

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

*Advertiser did not provide a response.*

## THE DECISION

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 concerns that the advertisement is sexualising children.

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

**Section 2.2: Advertising or marketing communications should not employ sexual appeal where images of Minors, or people who appear to be Minors, are used.**

### **Does the advertisement use sexual appeal?**

The Panel noted there are three images in this advertisement, two of which depict women from behind in underpants and a tank top. The Panel considered that the advertisement overall did use sexual appeal.

### **Does the advertisement use images of Minors, or people who appear to be Minors?**

The Panel noted the Practice Note to this section of the Code which states:

*"Advertisements must not include sexual imagery, state or imply that minors, or people who appear to be minors, are sexual beings or that ownership or enjoyment of the advertised product will enhance their sexuality."*

The Panel noted that the woman in the advertisement is clearly an adult. However, the Panel considered that the advertisement's text refers to the clothing collection being inspired by "private school girls" and suggests that their clothing style is "coquette glamour". The Panel noted the definition of coquette is: "a woman who likes to attract attention by behaving as if she is sexually interested in people, in a pleasant but not serious way" - (Cambridge online dictionary).

The Panel considered that the text in the advertisement combined with the images suggests that the brand considers school-aged students to be sexually attractive and alluring, and that this is the inspiration for the clothing collection. The Panel

considered that the advertisement has a predatory overtone and that most members of the community would find it to be sexualising of minors and inappropriate.

### **Section 2.2 conclusion**

The Panel found that the advertisement did employ sexual appeal, did imply that minors are sexual beings and did breach Section 2.2 of the Code.

### **Section 2.4: Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.**

The Panel noted the Practice Note for the Code states:

*“Models who appear to be minors should not be used in sexual poses.”*

#### **Does the advertisement contain sex?**

The Panel considered whether the advertisement contained sex. The Panel noted the definition of sex in the Practice Note is *“sexual intercourse; person or persons engaged in sexually stimulating behaviour”*.

The Panel noted that the woman in the advertisement was not engaged in sexual activity. The Panel considered that the advertisement did not contain sex.

#### **Does the advertisement contain sexuality?**

The Panel noted the definition of sexuality in the Practice Note is *“the capacity to experience and express sexual desire; the recognition or emphasis of sexual matters”*.

The Panel considered that for the reasons discussed under Section 2.2, the advertisement did depict sexuality.

#### **Does the advertisement contain nudity?**

The Panel noted that the definition of nudity in the Practice Note is *“the depiction of a person without clothing or covering; partial or suggested nudity may also be considered nudity”*.

The Panel noted that the woman is wearing underpants and a tank top in two images, and shown from the waist up wearing a tank top in the third image. The Panel considered that some members of the community may find a depiction of someone in underpants to be partial nudity.

## **Are the issues of sexuality and nudity treated with sensitivity to the relevant audience?**

The Panel noted that the definition of sensitivity in the Practice Note is *“understanding and awareness to the needs and emotions of others”*.

The Panel considered that the requirement to consider whether sexual suggestion is ‘sensitive to the relevant audience’ requires them to consider who the relevant audience is and to have an understanding of how they might react to or feel about the advertisement.

The Panel noted that this advertisement appeared on Facebook as a sponsored post. The Panel noted that the advertisement is presented in a scrolling format, meaning that the first image appears in a feed and then a user can continue scrolling across to view more images. The Panel noted that this advertisement would likely be targeted towards users who had shown an interest in the clothing brand.

In accord with the discussion in Section 2.2, the Panel considered that overall the advertisement does have a sexual connotation regarding minors even if the image itself does not depict minors.

The Panel considered that the overall effect of sexualising a minor is not appropriate.

### **Section 2.4 Conclusion**

The Panel found that the advertisement did not treat sex, sexuality and nudity with sensitivity to the relevant audience and did breach Section 2.4 of the Code.

### **Conclusion**

Finding that the advertisement did breach Sections 2.2 and 2.4 of the Code, the Panel upheld the complaint.

### **THE ADVERTISER’S RESPONSE TO DECISION**

I’ve read all of this but don’t understand why you think it’s sexualising children? I am however happy to not use these pics on Facebook advertising as I don’t have time to argue.