



**ADVERTISING
STANDARDS
BUREAU**

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Attachment E- Case Report

1	Case Number	0435/10
2	Advertiser	Witchery
3	Product	Clothing
4	Type of Advertisement / media	Internet
5	Date of Determination	27/10/2010
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Sex/sexuality/nudity Treat with sensitivity - Sexualization of Children

DESCRIPTION OF THE ADVERTISEMENT

WitcheryKids online catalogue – photographs of 3 children on a beach wearing selected pieces from the WitcheryKids Spring /Summer 2010 range. Some photographs were taken in or in front of a vintage Kombi Van. The children are all fully clothed.

THE COMPLAINT

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

This catalogue was aimed at 6 yr old children Its aim was to make 6 yr old children sexual or attractive It presented children in a sexual manner with provocative clothes and sexualises young children in an adult fashion.

The content in my opinion is inappropriate increases demands on children and parents

THE ADVERTISER'S RESPONSE

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

Witchery has received an internal complaint from the complainant as well as the complaint received by the ASB reference number: 0435/10. Witchery has communicated directly to the complainant on 7th October 2010 regarding their concerns.

In our response to the complainant we expressed our concern that our WitcheryKids website and catalogue had been misconstrued in a manner that was not our intention. The intention of the WitcheryKids website and catalogue was to portray kids with confidence, individuality and with a fashion attitude; which is consistent across our brand vision, product range and numerous activities we have held specifically for kids.

Witchery does not support the sexualisation of children, this accusation is not valid and furthermore we reject the suggestion that we would intentionally convey children in this light. Witchery is aware of community sensitivity surrounding the sexualisation of children and this is why steps were followed to ensure the protection of the Children appearing in the online catalogue.

It should be noted that all the contracts for the models appearing in the website catalogue were drawn up through The Children's Guardian, Authority number 00899, to ensure that all standards were being followed. The guardians of the children were present at all times during the photo shoot as well as there being a Child Wrangler for the children's entertainment on the set of the original photo shoot.

The complainant claims that the WitcheryKids website and catalogue is aimed at children of six years of age, this is however not our intention. The target audience of the WitcheryKids website and catalogue is parents of children who we have identified as the primary consumers of WitcheryKids.

The complainant also states that the clothing that the children are wearing is provocative and that the children are presented in an adult sexual manner. We do not believe that this is a valid claim.

The children are fully clothed in all of the images, and in many cases are wearing long sleeves and long pants, and therefore revealing little skin. The majority of the clothing styles featured are t-shirts, jeans or trousers and shorts, all of which Witchery believes are appropriate everyday childrenswear items for an Australian summer season, and that could easily be found within any reputable childrenswear retailer.

Likewise, Witchery does not consider the children's poses to be sexual in nature or imply that the children are sexual beings. The children featured in the WitcheryKids website and catalogue were able to choose their poses on their own accord and were not forced to hold poses that were not natural to them. As set out above, the intention of the WitcheryKids website and catalogue was to portray kids with confidence, individuality and with a fashion attitude.

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 noted the advertiser's response.

The Board considered whether the advertisement was in breach of section 2.3 of the Code. Section 2.3 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone".

The Board noted the complainant's concern that the advertisement presented children in a sexual manner with provocative clothing.

The Board noted that there is a level of community concern about the sexualisation of children.

The Board viewed the advertisement and noted the advertiser's response that the intention of the WitcheryKids website and catalogue was to portray kids with confidence, individuality and with a fashion attitude.

The Board noted the intended target audience of the WitcheryKids website and catalogue is parents of children who have been identified as the primary consumers of WitcheryKids. The Board noted that the images feature children on a sandy beach, and that the children are all fully clothed.

The Board considered that the clothing the children were wearing was age-appropriate and that although the children do not appear to be smiling, their expressions are consistent with children of that age. The Board considered that the children were not presented in sexualised manner, and that the poses they held were suitable for their ages.

The Board considered that the depiction of the children was not sexualised and did not breach section 2.3 of the Code.

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