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Dr Abigail Groves  
Committee Manager  
Committee on Children and Young People  
Parliament of New South Wales

BY EMAIL

Dear Dr Groves

**RE: Inquiry into the Sexualisation of Children and Young People**

Thank you for contacting me about this recently, and my apologies once again for the delay in replying to your correspondence from 15 April.

I am attaching the transcript document with some minor corrections. I trust they are acceptable to you and the Committee.

In answer to your questions, and to answer the second one first, I am attaching a PowerPoint presentation (saved as a pdf) that I used for the seminars I gave in Sweden in 2011. As well as hopefully being of general interest, it contains some material that can assist in answering your first question.

First I draw your attention to page 14 of the presentation, which sets out the substance of ACCM's submission to the 2008 review of the Code on Advertising and Marketing Communications to Children alongside the provision that was eventually added (though I believe it has been amended since, with the addition of 'shall not employ sexual appeal). The points on the left-hand side could form the basis for developing an appropriate provision in a code or law for the protection of children (noting, however, that the second point would require an extension of the existing code to apply to advertising that children see, rather than just advertising aimed at children, for special children's products).

For ease of reference those points are:

- Children should not be directly portrayed in sexualised ways; and
- Children should not be carelessly exposed to representation of teen and adult sexuality in advertising at times and in environments where they have every right to be

Second I come to the main point of your question, which relates to the issue of objectification - one which carries a concern extending beyond children, including, in particular, to adult women. We discussed the fact that the current provision is referred to as the 'objectification' provision but does not use the word objectification. I have stated that it would be a good start to use that word somewhere in the provision. As a very basic proposition, the provision could simply read: 'Advertising or marketing communications should not objectify any person or group of persons.' Naturally it would be helpful to have a definition of 'objectify'; and to this end I suggest adapting the definition of pornography in Catharine MacKinnon and Andrea Dworkin's Anti-Pornography Ordinance to arrive at something like the following:

Objectification means:

- (a) the presentation of a person's body parts including, but not limited to, sex organs, breasts or buttocks, such that the person is reduced to such parts, or
- (b) the presentation of people:
- i. as dehumanized sexual objects, things or commodities;
  - ii. as sexual objects who enjoy humiliation or pain;
  - iii. as sexual objects experiencing sexual pleasure in sexual coercion or assault;
  - iv. as sexual objects tied up or cut up or mutilated, bruised or physically hurt;
  - v. in postures or positions of submission, servility or display;
  - vi. in scenarios of degradation, humiliation, injury, torture, shown as filthy or inferior, bleeding, bruised or hurt in a context implies these conditions are attractive or desirable.<sup>1</sup>

Another approach could be to build on or adapt the suggestions I make at p 28 of the presentation. These were designed more as a measure for the Commonwealth to adopt as an extension to the *Australian Consumer Law*, but the following could be used for a State law on advertising and marketing practices (however defined):

- No advertising or marketing practice shall expose children to inappropriate sexual content.
- No advertising or marketing practice shall place children in a position of appearing to be sexually alluring.
- No advertising or marketing practice shall link children's wellbeing to the trappings of adult sexuality.

The above provisions could also be adapted to other practices, or indeed to products themselves.

Thanks once again for your patience and I hope that these answers are of assistance to the Committee.

Yours sincerely

Elizabeth Handsley  
Professor of Law

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<sup>1</sup> For the original definition, see pp 113-14 at <http://www.feministes-radicales.org/wp-content/uploads/2012/05/Catharine-A.-MacKinnon-Andrea-Dworkin-Pornography-and-Civil-Rights-A-New-Day-for-Women%E2%80%99s-Equality-1988.pdf>



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# Media and the Sexualisation of Children

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# The problem(s): American Psychological Association

- Sexualization occurs when
  - a person's value comes only from his or her sexual appeal or behaviour, to the exclusion of other characteristics;
  - a person is held to physical standard that equates physical attractiveness (narrowly defined) with being sexy;
  - a person is sexually objectified, that is, made into a thing for others' sexual use, rather than a person with the capacity for independent action and decision making; and/or
  - sexuality is inappropriately imposed on a person.

# The problem(s): media and industry practices

- Exposure of children to aspects of adult sexuality they can't understand (or don't need to)
- [Using children as vehicles for ribald humour]
- 'Sex sells' to children
  - Selling to children at all
  - Fostering insecurity as to appearance, linking to trappings of adult sexuality
  - And/or strong focus on appearance and sexuality as source of girls' power in society
  - Objectifying girls (including to themselves)
  - Normalising the place of sexual trappings in children's lives

# Perhaps better known as ...?

- Raunchification
- Bimbification
- Skankification
- Adultification
- Corporate takeover of childhood



# The platforms

- Outdoor ads
  - Adult sexuality
  - Objectification of women (and men?)
- Music videos on TV (a form of advertising?)
  - Sexualised behaviour associated with fame, success etc
  - Objectification esp of women
- Girls' magazines (advertising and editorial)
  - Representation of children to themselves
  - Sex sells!



# The consequences (also by APA)

- **Cognitive and Emotional Consequences:** undermine confidence in and comfort with her own body, leading to emotional and self-image problems (shame, anxiety)
- **Mental and Physical Health:** eating disorders, low self-esteem, depression/depressed mood.
- **Sexual Development:** negative consequences on girls' ability to develop a healthy sexual self-image.

# Senate

## Standing Committee on Environment, Communications and the Arts

The sexualisation of children in the contemporary media environment  
... including:

- examine the sources and beneficiaries of premature sexualisation of children in the media;
- review the evidence on the short- and long-term effects of viewing or buying sexualising and objectifying images and products and their influence on cognitive functioning, physical and mental health, sexuality, attitudes and beliefs; and
- examine strategies to prevent and/or reduce the sexualisation of children in the media and the effectiveness of different approaches in ameliorating its effects, including the role of school-based sexuality and reproductive health education and change in media and advertising regulation such as the [industry Codes].

# Australian Association of National Advertisers Code of Ethics

- 2.3 Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone.

# Revised AANA Code on Advertising to Children

- Released shortly before submissions closed on Senate Inquiry
- New provision purporting to deal with 'sexualisation'

# *Code for Advertising and Marketing Communications to Children, s 2.4*

## **Sexualisation**

Advertising or Marketing Communications to Children:

- (a) must not include sexual imagery in contravention of Prevailing Community Standards;
- (b) must not state or imply that Children are sexual beings and that ownership or enjoyment of a Product will enhance their sexuality.

# Advertising (etc) to Children =

Communications which

- having regard to the theme, visuals and language used, are directed primarily to Children

and

- are for goods, services and/or facilities which are targeted toward and have principal appeal to Children.

# Prevailing Community Standards

=

- the community standards determined by the Advertising Standards Board as those prevailing at the relevant time, and based on research carried out on behalf of the Advertising Standards Board as it sees fit, in relation to Advertising or Marketing Communications to Children.



# ACCM submission and the final product

- Children should not be directly portrayed in sexualised ways
- Children should not be carelessly exposed to “representation of teen and adult sexuality in advertising” at times and in environments where they have every right to be

## **Sexualisation**

Advertising or Marketing Communications to Children:

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# Outcome of Senate inquiry

- 13 recommendations
  - Recognition of complexity of definition
- ‘This is a community responsibility which demands action by society. In particular, the onus is on broadcasters, publishers, advertisers, retailers and manufacturers to take account of these community concerns.’  
(Recommendation 1)

# Other recommendations

2. Major longitudinal study
3. Change to CTS scheduling requirement
4. Broadcasters review classification of music videos
5. Dedicated children's channels
6. Reader advice on magazines
7. Review effectiveness of operation of new AANA Code in 18 months

# Other recommendations cont

8. Industry complaints clearing house
9. ASB produce half-yearly list of complaints regarding children
10. ASB consider pre-vetting
11. ASB formal process of community consultation
12. ASB rigorously apply standards to outdoor ads
13. Sex education in schools

# And meanwhile ...

- Government response
  - noted most recommendations
  - mouthed industry line on music videos
  - ‘sex education should be implemented in consultation with the school community; be respectful of religious and philosophical views; and be age appropriate’

ie everything that advertising is not!

- New TV Code does nothing about video clips

# What's missing?

- Actual understanding of the problem by industry
  - eg obsession with whether nipples visible
  - AMI billboards ('Want Longer Lasting SEX?')
  - held not in breach, then in breach
  - meanwhile, massive campaign following Senate report
  - undertaking to take down following breach finding
  - added 'CENSORED' instead
  - and then 'Making Love? Do it ... Longer!'
- Measures to address volume or scale
- Any kind of direct government intervention
  - Note government not counted as part of 'society' whose action is demanded

# Outdoor advertising: parliamentary inquiry 2011

- 16/19 recommendations addressed to industry not government
- Rec steps be taken to address objectification/discrimination angle (anti-discrim leg'n, AANA Code of Ethics)
- Rec more proactive self-regulation
- 7 recs to improve processes
- Rec review mid-2013, poss co-regulatory system



# Separate code for outdoor advertising?

- Unique position in cultural landscape
- Replicating the same weaknesses?
- Key change relating to actual audience, not intended audience  
(should apply to all platforms – esp in context of displacement)
- Separate code ≠ stricter regulation

# Some ideas for stricter regulation

- NOTE: need to define issue clearly before proceeding
- Changes to State legislation
- Changes to *Children's Television Standards*
- Changes to *Broadcasting Services Act*
- Changes to *Classification Act*
- Changes to *Trade Practices Act*

# Changes to State legislation

- No constitutional constraints
- Need to avoid 'inconsistency' with Commonwealth legislation
- Can experiment more boldly?

# *Children's Television Standards*

- Easier than change to legislation

BUT

- TV only
- So far, apply only during C programming
- Low ratings
- Children watch far more prime-time sitcoms, soaps, reality shows etc

# *Broadcasting Services Act*

- Licence conditions etc
- Compare existing on tobacco, political advertising

BUT

- Still only electronic media
- Need strong watchdog

# *Classification Act*

- Covers films, magazines
- Indirect effect on TV

BUT

- Problem with intellectual roots: prudery and moralism, not child development and sex equality
- Message easily undermined by marketing
- AND need consent of all States to change

# *Trade Practices Act*

- Applies to commercial activity by corporations
- Conceptual underpinning is consumer protection – redressing power imbalance
- Can get to products themselves, not just advertising
- Compare s 52: ‘No corporation shall, in trade or commerce, engage in conduct that is misleading or deceptive or is likely to mislead or deceive.’



# Some possible examples

- ‘No corporation shall, in trade or commerce, engage in conduct that is likely to expose children to inappropriate sexual content.’
- ‘... that places children in a position of appearing to be sexually alluring.’
- ‘... that links children’s wellbeing to the trappings of adult sexuality.’





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## Case Report

1	Case Number	0238/11
2	Advertiser	Bimbo Deluxe
3	Product	Entertainment
4	Type of Advertisement / media	Poster
5	Date of Determination	13/07/2011
6	DETERMINATION	Upheld - Modified or Discontinued

### ISSUES RAISED

2.5 - Language      Use appropriate language

### DESCRIPTION OF THE ADVERTISEMENT

A pink cartoon baby wearing a black sandwich board with the words, "Fuck Gluten" written in white.

The text below reads, "Gluten free option now available. Extra \$2" and there are contact details for Bimbo Delux.

### THE COMPLAINT

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

*The poster displays the phrase - in large bold type - "FUCK GLUTEN".*

### THE ADVERTISER'S RESPONSE

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

*This campaign has been developed alongside the addition of a Gluten Free option to our pizza menu. It features our mascot, a pink kewpie, wearing a sandwich board with the*

*caption 'Fuck Gluten'. We can understand how this may have caused a slight stir amongst the passersby. To be honest, we were hoping to ruffle a few feathers. We had been working on the recipe for almost 9 months and continually failing. Working without gluten is not too much fun. However, after months of hard work we finally came up with a recipe that tastes great. The campaign highlights our frustration in getting this right. A frustration, we are led to believe, that is shared amongst most coeliacs. We hoped only that it would be a bit of a laugh, and has proven to be just that for most visitors. The location of the mentioned poster is within our front window and faces the street. Before embarking upon the campaign we did take into consideration the fact that Brunswick Street generally attracts an older demographic heavily skewed toward the arty bohemian type. On a typical walk along the street similar expressions can be found. In whichever way the board decides, we will be happy. We have been happy to run this ad for as long as we have and with such a great response. Please find attached a digital copy of the mentioned advert for your reference.*

## **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 features inappropriate language.

The Board viewed the advertisement and noted the advertiser’s response

The Board then considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: “Advertising or Marketing Communications shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided.”

The Board noted that this advertisement is promoting the gluten free pizza range now available at a restaurant and features a cartoon style baby wearing sandwich board which reads, “Fuck Gluten”.

The Board noted the advertiser’s response that the use of the F word was intended to humorously convey their frustration at perfecting a gluten free recipe for pizza bases, and that they believed the clientele of the area would appreciate the advertisement.

The Board considered that the language used is language that is still considered strong if not obscene by the broader community.

The Board noted that this advertisement was seen on a poster next to the front of the venue. The Board considered that the location of the advertisement meant it would be available to a wide audience and that in the context of an outdoor location the prominent use of such language is inappropriate.

Based on the above the Board determined that the advertisement used strong and obscene language which was not appropriate and that it did breach Section 2.5 of the Code.

Finding that the advertisement breached Section 2.5 of the Code, the Board upheld the complaint.

#### **ADVERTISER RESPONSE TO DETERMINATION**

This letter is to inform you that the offending material has been removed from the windows of Bimbo Deluxe. This particular advert will not be displayed within the window, or in this format again.