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Letting Children Be Children

Stopping the sexualisation of children in Australia

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Preface

This report on the regulation of the sexualisation of children in Australia is intended to be read in conjunction with the earlier Australia Institute Discussion Paper *Corporate Paedophilia: Sexualisation of children in Australia* (Discussion Paper number 90, October 2006).

Many people have contributed to this paper. Alex Walton and Louise Collett provided excellent research assistance. Andrew Macintosh and Christian Downie offered many helpful editorial suggestions. Clive Hamilton oversaw the entire project.

Valuable comments on a final draft of this paper were provided by Associate Professor Elizabeth Handsley, School of Law, Flinders University. Comments on an earlier draft were received from Dr Maria Pallotta-Chiarolli, School of Health and Social Development, Deakin University; Barbara Biggins, Honorary CEO, Young Media Australia; and Dr Rebecca Huntley, independent social researcher and author.

The authors would like to record their appreciation for the contributions made by all these people, and particularly the referees. We take full responsibility for any errors, omissions and misinterpretations.

Summary

There is strong feeling around Australia that during childhood, and certainly during the pre-teen years, children should be free to develop at their own pace, in their own ways. Widespread public discussion followed the release of the Australia Institute's discussion paper number 90, *Corporate Paedophilia* (Rush and La Nauze 2006), and many Australians voiced their concern that children's freedom to develop at their own pace and in their own ways is under threat from heavily sexualised advertising and marketing. While parents do their best to protect their children, many feel that they are losing the battle.

Children are only likely to be able to develop freely if government assists parents by limiting sexualising pressure at its source – advertisers and marketers. Current regulation mechanisms are failing in this task.

Sources of premature sexualisation

As discussed at length in *Corporate Paedophilia*, the most significant sources of premature sexualisation are girls' magazines and advertising material. Television programs, in particular music video programs, teen soap operas like *The O.C.* and reality television shows such as *Big Brother* also play a role.

Each month twenty per cent of six-year-old girls and almost half of ten- and eleven-year-old girls read at least one of the most popular girls' magazines – *Barbie Magazine*, *Total Girl* and *Disney Girl*. These magazines teach their young readers to dance in sexually provocative ways, to idolise highly sexualised young women such as Paris Hilton, Jessica Simpson and Lindsay Lohan, and to have crushes on adult male celebrities – all while they are still in primary school.

Children are unavoidably exposed to heavily sexualised outdoor advertising as well as to some television advertising. On average, children aged five to eleven watch approximately 20 hours of television or videos each week (ABS 2003, p. 32). Most outdoor and television advertising sexualises adults, but children pick up the message that being sexy is the way to be successful and feel good about oneself.

In some cases, advertising directly sexualises children. Examples include a Renault television commercial that showed a pre-pubescent boy admiring an adult woman's legs through the Renault's sunroof, and an Ingham's chicken nuggets television commercial that showed a young boy and girl kissing furtively on the couch, in the manner of older teenagers about to make out, when the supervising parent left the room.

Risks of premature sexualisation

Premature sexualisation carries a range of risks for children.

The capacity of children to develop healthy body image and self-esteem is compromised by pressure to look like miniature adults. One particularly alarming manifestation of this

is an apparent trend for young people to be hospitalised for severe eating disorders at younger ages, in an ironic twist on the childhood obesity issue.

Children's general sexual and emotional development can be affected by exposure to advertising and marketing that is saturated with sexualised images and themes. To the degree that children focus on sexualising themselves rather than pursuing other more age-appropriate developmental activities, all aspects of their development may be affected.

The sexualisation of children also risks normalising and possibly encouraging paedophilic sexual desire for children.

Better regulation is needed

At a minimum, existing codes of practice for advertising, television programming and children's magazines could be amended to allow for recognition of the fact that sexualising children, whether directly or indirectly, leads to a range of risks for children (Rush and La Nauze 2006).

However, as different media (print, radio, television) become less distinct due to technological advances, it will become increasingly desirable to bring all media regulation together in one statutory system. At this point a new opportunity to stop children's premature sexualisation will emerge. An all-encompassing office of media regulation could include a division with the primary responsibility of protecting children's interests in the contemporary media environment.

With oversight of all media modes, the children's division would be well aware of the wide range of sexualising material to which children are exposed on a daily basis. The case-by-case approach currently used by media regulators is inadequate. Children rarely suffer harm as a result of exposure to a single case of sexualising material. Rather, harm is caused by cumulative exposure to sexualising material from a range of sources.

Ideally, the children's division would be partly staffed by experts in areas relevant to the potential harms caused by the premature sexualisation of children, for example, child psychology, paediatrics, primary teaching, and criminology.

Children are now much more heavily targeted by advertisers and marketers than they were in the past, and at the same time media are becoming increasingly important in their lives. It is therefore desirable to give greater priority to the interests of children in the area of media regulation, and there are international precedents for this.

If Australia were to follow such precedents, it would allow parents more choice about the ways in which they introduce issues related to sex and sexuality to their children. At present, parents speak with dismay about trying to manage young children's misinterpretations of sexualised messages from advertising and the media. Advertisers and media producers are primarily concerned about markets, not about children's interests. Responsible government action is the best hope for supporting parents in their caring role.

1. Introduction

1.1 The sexualisation of children in Australia

There is strong feeling around Australia that during childhood, and certainly during the pre-teen years, children should be free to develop at their own pace, in their own ways. The widespread public discussion that followed the release of the Australia Institute's discussion paper number 90, *Corporate Paedophilia* (Rush and La Nauze 2006), made it clear that many Australians believe that the sexualising pressure the advertising and marketing industries exert upon children restricts their freedom to develop at their own pace and in their own ways. While parents do their best to protect their children from such pressure, many feel that they are losing the battle. Children are only likely to be able to develop freely if government assists parents by limiting this sexualising pressure at its source – advertisers and marketers.

Childhood development includes a distinct sexual dimension prior to puberty. However, the sexualisation of children refers to the process whereby the slowly developing sexuality of children is prematurely advanced and moulded into stereotypical forms of adult sexuality as a result of inappropriate advertising and marketing.

1.2 How are children being sexualised?

In the past, the sexualisation of children occurred indirectly, primarily through exposure to representations of teen and adult sexuality in advertising and popular culture. The very direct sexualisation of children, where children themselves are presented in images or directed to act in advertisements in ways modelled on adult sexual behaviour, is a new development. The pressure on children to adopt sexualised appearance and behaviour at an early age is greatly increased by the combination of the direct sexualisation of children with the increasingly sexualised representations of teenagers and adults in advertising and popular culture.

As discussed at length in *Corporate Paedophilia*, the most significant sources of premature sexualisation are girls' magazines and advertising material.¹ Television programs also play a role, in particular music video programs, teen soap operas like *The O.C.* and reality television shows such as *Big Brother*.

Each month twenty per cent of six-year-old girls and almost half of ten- and eleven-year-old girls read at least one of the most popular girls' magazines – *Barbie Magazine*, *Total Girl* and *Disney Girl*. These magazines teach their young readers to dance in sexually provocative ways, to idolise highly sexualised young women such as Paris Hilton, Jessica Simpson and Lindsay Lohan, and to have crushes on adult male celebrities – all while they're still in primary school.

Children are unavoidably exposed to heavily sexualised outdoor advertising as well as to some television advertising. On average, children aged five to eleven watch over 20

¹ For an extensive discussion of the ways in which Australian children are being prematurely sexualised, see Rush and La Nauze (2006, pp. 5-33).

hours of television or videos each week, and children aged nine to eleven watch approximately 22 hours. Most outdoor and television advertising sexualises adults, but children pick up the message that being sexy is the way to be successful and feel good about oneself.

In some cases, advertising directly sexualises children. Examples include a Renault television commercial that showed a pre-pubescent boy admiring an adult woman's legs through the Renault's sunroof, and an Ingham's chicken nuggets television commercial that showed a young boy and girl kissing furtively on the couch, in the manner of older teenagers about to make out, when the supervising parent left the room.

In addition, some G or PG rated television shows are highly sexualised. The arrival of 'raunch culture' during the 1990s made soft pornography mainstream, and nowhere is this as clear as in contemporary music videos.² For example, the music video accompanying The Pussycat Dolls' song 'Buttons', features the six Pussycat Dolls, several of whom remove clothing as the video progresses to end up dressed in knee-high boots, micro-skirts and push-up bras or corsets. The Dolls dance and pose around and on top of a horizontal waist-high pole and chairs, as well as inside a tunnel. The choreography incorporates a good deal of pelvic thrusting and the Dolls often run their hands down and around their semi-naked torsos. Occasional steamy images of the Dolls' faces, with open mouths, are interspersed among the dancing scenes. During July and August 2006 this video was repeatedly broadcast on *Video Hits* – a G rated program – on Saturday mornings.

1.3 Risks of premature sexualisation

The sexualisation of children is of concern because it has the potential to harm children in a variety of ways (Rush and La Nauze 2006). Children's development of healthy body image and self-esteem is compromised by pressure to look like miniature adults, and one particularly alarming manifestation of this is an apparent trend for young people to be hospitalised for severe eating disorders at younger ages. Children's general sexual and emotional development can be affected by exposure to advertising and marketing that is saturated with sexualised images and themes. Moreover, to the degree that children focus on sexualising themselves rather than pursuing other more age-appropriate developmental activities, all aspects of their development may be affected. Sexual representations of adults in advertising and marketing often occur together with the treatment of women as objects, the understanding of sex as either a commodity or an instrument, and the linkage of sex with violence. The messages children receive about desirable behaviour and values thus incorporate ethical effects that go well beyond simply how to dress. Finally, the sexualisation of children also risks normalising and possibly encouraging paedophilic sexual desire for children.

In addition to these potential harms to children, the sexualisation of children is morally reprehensible. One of the central concerns of morality is to ensure the treatment of human beings as ends in themselves, and never simply as means to other ends. Sexualising children to sell products is precisely treating some of the most vulnerable

² The term 'raunch culture' is taken from Levy (2005).

members of the community as a means to an end, and as such it is morally unacceptable.

1.4 What can be done?

It is not easy for any society to agree on where the line should be drawn in matters such as the sexualisation of children, let alone to agree on how such a line might be enforced. However, if public avoidance of such difficult questions continues, the trend towards the increasing sexualisation of children is also likely to continue, and the potential for harm to children will increase in parallel. Moreover, when seen within the broader context of a ‘fast-moving, hyper-competitive culture’ that already threatens healthy child development (Abbs *et al.* 2006), the increasing sexualisation of children demands serious attention.

It is helpful to distinguish between the indirect and the direct sexualisation of children in any discussion of what can be done. The indirect sexualisation of children cannot be stopped, but it can be limited. That is, it is clearly not possible to shield children from all exposure to representations of teen and adult sexuality in advertising and popular culture. However, it is possible to limit to some degree this indirect sexualisation of children. For example, more stringent limitations could be placed on the content of programs shown on television during children’s peak viewing times, such as music video programs broadcast during the mornings on weekends. In contrast, the direct sexualisation of children, that is, children themselves being portrayed in a sexualised way, in advertising and marketing material, could be stopped altogether if the community so decided.

Section 2 considers the available evidence on community attitudes toward the sexualisation of children.

Section 3 provides an analysis of the current regulatory structures covering the three major sources of the sexualisation of children in Australia: advertising, free-to-air television, and girls’ magazines. Addressing deficiencies in these regulatory structures would go some way toward freeing Australian children to develop at their own pace, in their own ways. It would also free parents to some degree from policing their children’s exposure, thus enabling them to spend more time on the positive aspects of parenting.

2. Community attitudes

2.1 Existing data

There are no Australian survey data on community attitudes towards the increasing sexualisation of children. However, Australian surveys on related issues, as well as a US survey that addressed the sexualisation of ‘youth’ (defined as aged up to eighteen), suggest that levels of community concern are likely to be high. These data are reported briefly below. We then go on to summarise other indicators of public concern in Australia.

In December 2004 the Australia Institute commissioned a survey of over 1600 Australians that included a question about advertising to children. Eighty-six per cent of respondents agreed that there should be more limits on advertising to children, including 47 per cent who strongly agreed (Hamilton and Denniss 2005, pp. 146, 150). Likewise a telephone survey of a representative sample of 501 Australian parents conducted for the Australian Childhood Foundation in 2005 found that 90 per cent of parents believe that children are targeted too much by companies trying to market their products to them (Tucci *et al.* 2005). This survey also found that that 85 per cent of parents believe that children today are growing up too fast (Tucci *et al.* 2005).

In Australia, a 2003 Newspoll survey of parents with children aged 12 to 17 (inclusive) investigated parental attitudes to Internet pornography. Among 377 randomly selected households, 61 per cent of parents reported that they were very concerned about their children seeing ‘unsuitable material such as pornography on the Internet’, and a further 20 per cent were ‘somewhat concerned’ (Flood and Hamilton 2003, pp. 22-3). Youth exposure to pornography is a particularly extreme form of sexualisation, so it is to be expected that parental concern might not be as high for the more general sexualisation of children in popular culture – but at the same time, the fact that such sexualisation is occurring for much younger children (aged 12 and under) could well result in high levels of parental concern.

In 2004, an online survey of almost 1,000 Americans showed that 78 per cent of respondents thought that youth (defined as individuals from birth to age 18) are harmed by having marketing directed at them, and 90 per cent thought marketing contributes to youth being overly sexual (Kasser and Linn 2004, p. 2). Although the sample may have been biased due to the selection method (advertising of the survey to interested organisations), the authors note that the results are very similar to those of a 1999 survey of a random sample of 400 US residents.

2.2 Other indications of public concern

Increasing public concern about unauthorised photographs of children

In recent years, there has been increasing public concern about the uses to which unauthorised photographs of children may be put, including publication of such photographs on internet websites (SCAG 2005, pp. 5-7). This has led to some organisations that work with children proposing bans on photographing them. For

example, after the Standing Committee of Attorneys-General (SCAG) released a discussion paper on the issue in August 2005, Surf Life Saving Australia proposed prohibiting photography of its junior members on beaches without written permission from parents (Clark 2005). Given such levels of concern about photographs of children engaged in everyday activities, it would be surprising if Australians were not concerned about the deliberately sexualised images of children used in advertising and marketing.

Young Media Australia

Young Media Australia (YMA) is a national non-government organisation that acts as an advocate for the healthy development of Australian children in the area of media provision and representation (YMA 2006). Since July 2002 YMA have provided a helpline which offers a '24 hour a day, seven day a week national freecall service for parents and caregivers to discuss media issues in respect of children' (YMA 2006a). In August 2003, Jane Roberts, the President of YMA Board was quoted as saying that 'as a society, we need to talk not just about child protection but about childhood protection'. She went on to explain as follows.

Young Media Australia has become increasingly concerned that the healthy development of Australian children is being compromised by their exposure to inappropriate media content including advertising pressures from a highly sophisticated marketing industry who now directly target our children.

Callers to the Young Media Australia Helpline consistently express frustration that it makes the job of parenting even more difficult when media advertising puts pressure on their children to look a certain way or have certain things in order to be accepted (YMA 2003).

Young Media Australia has an ongoing role in reflecting parental concern about media pressures on children through frequent national media interviews given by its officeholders and through articles in its monthly news review, *small screen*.

Public concern expressed in Australian media

Many of the risks to children from their sexualisation (see Rush and La Nauze 2006) have received press coverage in Australia since the mid 1990s. An overview of this coverage is given below.

The increasing sexualisation of children, as evidenced in the increasing proportion of provocative clothing worn by children's idols and peers in advertising and also available in stores, as well as the use of sex to sell girls other products such as moisturiser and lip-gloss, has been the topic of considerable media attention in Australia.³ Politicians, child protection experts, children's charities, women's groups, media literacy organisations, educators, paedophilia experts, psychologists and doctors have all been reported as expressing concern at the phenomenon. Outrage has also been recorded from angry and concerned parents, as well as from columnists such as Phillip

³ The majority of media coverage of the sexualisation of children relates to the sexualisation of girls, particularly through fashion advertising, dolls and music videos.

Adams and from popular cartoonist and author on women's issues Kaz Cooke (Adams 1997; Adams 1999; Cooke 1996; Zonedeveldt and de Kretser 2002).

The Australian media has reported not only complaints but also boycotts and calls for advertising to be more stringently regulated. For example, in 2002 Federal Children's Minister Larry Anthony was reported to be calling upon parents to boycott newly stocked clothing items such as padded bras, lingerie, cosmetics, jewellery, and low-cut t-shirts, all aimed at the pre-teen (ages six to twelve) market (Tickner and Ellul 2002).

Outrage in Australia has been particularly directed at the globally successful fashion range and associated advertising of the Olsen twins. Their brand 'Mary-Kate and Ashley' targets the 'tween' market. For example, in describing the brand, New South Wales Women's Minister Sandra Nori was reported as suggesting they were selling the clothes of a sixteen-year-old to six-year-olds. Such clothing, she said, sent warped messages to pre-teen girls about body image (Tickner and Ellul 2002). Attention in popular media has also been directed at pre-teen magazines such as *Barbie Magazine*, *Total Girl* and *Disney Girl*. These magazines offer beauty and personal advice to young girls alongside depiction of other more developmentally appropriate childhood activities (Symons 2004). Popular women's writer Kaz Cooke (1996) reflected community concern over the sexualisation of childhood when she incredulously remarked that:

Barbie magazine seems to see no contradiction in girls young enough to enjoy a tea party with dollies being instructed in come-hither poses.

Similarly, Kirsty Needham (2002) quoted an edition of *Total Girl*:

Mary-Kate and Ashley (who else?) tell readers to wear nail polish, eye colour and lip gloss to the supermarket because "Lil' divas make sure they look good ALL the time!"

The ubiquity of the Olsen Twins and all that they represent inspired adolescent psychologist Michael Carr-Greg to declare in one article:

Kids are being lured out of childhood by unscrupulous marketers and the media avalanche that accompanies the Mary-Kate and Ashley bandwagon. I find a hip and sexy 10-year-old quite disconcerting (Needham 2002).

In October 2006, the release of the Australia Institute's *Corporate Paedophilia: The sexualisation of children in Australia* (Rush and La Nauze 2006) attracted extensive media coverage, allowing an outlet for underlying public concern. The study was reported on the evening news of the four major free-to-air television networks, as well as on *The 7.30 Report* (ABC TV) and on morning programs *Today* (Nine) and *9AM with David and Kim* (Network Ten). It was also widely covered on radio and in the press.

Public concern expressed in international media

The degree to which the sexualisation of children is a global phenomenon is illustrated by very similar media coverage elsewhere, particularly in the United Kingdom and

North America. In England, the Archbishop of Canterbury has been reported as joining the attack on the growing sexualisation of children through advertising, and calling for the proper regulation of marketing directed at them (Bates 2005). Very recently, British Conservative opposition leader David Cameron sparked debate in the English media after calling for an end to sales of ‘creepy’ and ‘harmful’ clothes that sexualise young girls (Tylee 2006). While Cameron was quoted as explicitly attacking retail stores stocking the products, he was also reported as alluding to the role of advertising agencies (Tylee 2006). In his speech to the UK Business in the Community conference, Cameron said:

I have no desire to wrap kids in cotton wool. But the protection of childhood innocence against premature sexualisation is something worth fighting for (Cameron 2006).

He went on to say that the premature sexualisation of children ‘may be good for business, but it’s not good for families and it’s not good for society, and we should say so’ (Cameron 2006). The Conservative Party is politically opposed to regulation except as a ‘last resort’, but Cameron explained that he is in favour of ‘exhortation’ – speaking out when businesses are ‘behaving irresponsibly’ (Cameron 2006).

Responses in the British media to Cameron’s speech have been mixed. Many commentators have expressed their support and relief that the issue is finally on the agenda of Britain’s top politicians (Routledge 2006). Some question the focus of Cameron’s attacks, however, suggesting that parents need to be blamed just as much as retailers and marketers, with comments like: ‘It is the mothers and fathers who bear responsibility for dressing their tots up like extras from a paedophile porno film’ (Tyndale 2006).

Sometimes popular outrage has been successful in forcing responsibility onto marketers and producers. For example, in the United States, an advertisement for fashion label Calvin Klein featuring a young boy being overtly sexualised by a fashion photographer were dropped after public furore (Hunter 1997). Calvin Klein billboards of children wearing only underwear (planned for New York’s Times Square) were also cancelled after public concern they promoted paedophilia (Allossery 1999).

More often, however, it seems that public concern is limited in its effects. For example, international media coverage of the ‘Bratz’ dolls illustrates both the pressure that heavy marketing exerts upon young girls to be hip and sassy and the concerns this provokes in parents and others.⁴ The ‘Bratz’ are a group of dolls in micro skirts, sleeveless tops and sparkly make-up. English writer Charles Laurence (2003) refers to them as looking like:

... they would be quite at ease hanging out on a street corner waiting for their pimp to emerge from a long limousine in a puff of white powder.

Bratz dolls are being successfully sold to young girls despite their parents’ and some commentators’ objections (Laurence 2003). ‘Bratz Big Babies’, a younger version of

⁴ Bratz dolls are also sold in Australia, and have met a similar reception.

the Bratz, also caused shock and embarrassment for parents as they discovered these more demurely dressed dolls were wearing g-string underpants (Campbell 2006). Yet as seven-year-old fashion and Bratz expert Leah explained to Charles Laurence (2003):

...everyone likes Bratz. We're sick of fat, plastic Barbies. Didn't you know? One reason I don't like Barbie is that her head comes off. And Bratz are teenagers. I want to be a teenager, too.

This desire to be a teenager at age seven is what tween magazines exploit and what is sometimes referred to as the 'kargoy' phenomenon: Kids Are Getting Older Younger (Bain 2001). Sharon Ellem-Bell, who has run beauty and modelling courses in New Zealand for 15 years, is reported as noting the change in girls' tastes under the influence of girls' magazines and the internet:

...whereas in the past it was the eight or nine-year-olds playing with Barbie dolls, now it is the four-year-olds. The hot present now for an eight-year-old is a beauty case and the favourite hobby is shopping (Gray 2005).

Media coverage of parental concern and expert opinion

Both Australian and international press coverage gives an important place to concerns expressed by parents, and to expert opinions on the issue of the sexualisation of children.

Parents around the world are concerned and angry about childhood being interrupted so soon by premature sexualisation. For example, parents' groups have been reported as concerned that an 'adult standard of beauty and behaviour was being pushed onto young girls' (Tickner and Ellul 2002), and as advocating boycotts from stores stocking children's bras and g-strings (Donnelly 2005). Some individual parents express anger at the pressure from their pre-adolescent children to purchase the latest clothing with a pornographic slogan emblazoned across the chest or backside (Smith 2002). Others succumb to the pressure to keep up with what other parents have let their children wear, and purchase products that they would otherwise rule out (Kaur 2003). They can be left feeling both uneasy and sad.

'My daughter loves to wear short skirts and tops where the belly button shows. One thing that really bothers me is the way the boys look at her now,' says Balvinder Kaur, mother of a 11-year-old girl. 'And when I see them, I'm like, don't look at my child, she's still a baby. What has happened to my little girl?' (Kaur 2003).

Expert opinion reported in the press tends to focus on one of three areas: unrealistic body images, and the implications of these for health and self-esteem; the dangers to children's own sexuality as a result of corporate-led sexualisation; or the dangers of sexualised children provoking paedophilic attention. These are discussed briefly in turn below.

Health professionals are often quoted as warning that children are increasingly becoming concerned about body image and that more and more children (especially

girls) are diagnosed with eating disorders at earlier ages. One newspaper article cited an Australian study by researcher Hayley Dohnt that found 71 per cent of girls wanted to be slimmer by age seven (Gray 2005). Other articles quote experts suggesting that body insecurity in childhood can be a predictor of eating disorders later in life (Kaur 2003). Professor Jane Freeman, a developmental psychologist, was quoted as warning of the potential damage to self-esteem from the promotion of oppressive gender stereotypes for six-year-old children who attend 'pamper parties'.

I think you have to accept the possibility this sort of activity could damage a child. Little girls already are informed by society that women are judged on their appearance, and to focus on looks in this way can accentuate the feeling that we are not good enough (Lawson, 2003).

Giving manicures and makeovers to children of primary school age also makes them aware that they can change their bodies to look more attractive, which can lead to anorexia or bulimia, according to psychologist Dr Kerri McPherson (Lawson 2003). Psychologists have also warned that despite some girls reaching puberty earlier than they did a decade ago, they do not have the maturity that goes with their physical stage of development (Symons 2004).

When media critic, filmmaker and author Dr Jean Kilbourne visited Australia in 2006 she was reported in the *Sydney Morning Herald* as arguing that the healthy sexual development of children needs to be a priority in tackling the harmful influences of the advertising industry and popular culture (Totaro 2006). She is quoted as saying of the advertising industry's tendency to define childhood and adolescent sexuality:

We can't allow marketers to colonise this nor should it be demonised by the right either. It's the corporate exploitation of children's sexuality that is disgusting and dangerous, not the sexuality itself (Kilbourne quoted in Totaro 2006).

However, it is a much more common concern that child sexualisation will damage children by provoking child abuse and paedophilia. Girls don't necessarily understand the unintended consequences of dressing provocatively yet are positioning themselves as sex objects. Jane Ussher, an associate professor of women's health psychology, is reported as labeling this behaviour 'pre-teen vamp', and suggesting that it can lead to child exploitation (Morris 2002). The Queensland Commissioner for Children and Young People, Dr Robyn Sullivan, has identified the sexualisation of children in the media as a major risk factor in the potential for child abuse, according to an article in the *Townsville Sun* (Anonymous 2003).

John McCarthy, from the Safe treatment program for sexual offenders in New Zealand, is reported as explaining that while individual girls are not specifically at risk, the fact that children generally are dressed up and wearing make-up normalises the desires of sex offenders.

As fast as we say it is not okay for men to have sex with children because children are not interested in sex, they get bombarded with images of girls

looking older than they are... Sex offenders 'grow up' the age of the girl in their mind and believe the girls are sexually available (Anonymous 2005).

During *The 7.30 Report* coverage of the Australia Institute's *Corporate Paedophilia* paper, Bill Glaser, forensic psychiatrist at the University of Melbourne confirmed that the sexualisation of children is seen by paedophiles as legitimating their desire. He noted that convicted paedophiles say 'here is all this advertising around the place and surely it cannot be wrong, seeing it is on public display' (ABC TV 2006). Glaser added: 'Some offenders would even use these images almost as a recipe for offending in terms of getting the children or their victims to pose in particular ways' (ABC TV 2006).

Extensive media coverage has also been devoted to the increasing number of arrests of men downloading child porn from the Internet, particularly in the United States. In 2003 Jim Bell, himself imprisoned for filming young girls and downloading indecent images from the internet, wrote an article seeking to explain why men convicted of child abuse refuse to call themselves paedophiles. His discussion of the popular sexualisation of children is chilling.

The sexualisation of children through television, pop music and fashion is acceptable, it is done for fun: the world of internet child pornography merely completes that process ... the parents who encourage their girl-children to model themselves on pubescent pop idols, fashion models or footballers wives see themselves as part of a modern world of leisure, with a healthy attitude to personal relationships and sex. The men who look with sexual appreciation at pictures of those girl-children on the net are seen as perverts who may prey on children in parks or at swimming pools. I don't know whether the way our society sexualises children is healthy or not – you who are normal must consult your consciences on that. But it is a fact that internet child porn makes massive use of the combination of sexual innocence and allure that results (Bell 2003).

This view from a paedophile receives confirmation from reports that the computers of Australian paedophiles store images from both child pornography websites and child modelling agencies (Kennedy 2006).

The sustained public criticism of the sexualisation of children has had no apparent effect upon the practices of advertisers and marketers. If they acknowledge the issue at all, they insist they are only responding to children's demand.⁵ Such an inadequate response to both public and professional concern about the increasing sexualisation of children suggests that the advertising and marketing industry is unlikely to restrain itself. Political commitment will be needed to address the issue, and the many indications of concern about the sexualisation of children suggest that such commitment would meet with widespread community support.

⁵ See for example the editor of *Total Girl* quoted in Hutchinson (2006, p. 36).

3. Current regulation

3.1 Introduction

Any discussion about options for stopping the sexualisation of children is necessarily complex because sexualising influences come from a wide variety of sources. In the past, regulation addressing the sexualisation of children was unnecessary, because informal social norms prevented the sexualisation of children. However, although these social norms remain broadly current among the general public (as discussed in Section 2), they no longer appear to restrain advertisers, marketers and retailers. If Australians wish to reduce the potential for children to be harmed in a variety of ways by premature sexualisation, it seems that some sort of formal government restraint beyond existing regulation of relevant areas will be necessary.

The variety of sources of sexualising influences upon children means that additional restraints upon any single source are unlikely to be very effective. Any attempt to address the problem of the increasing sexualisation of children through regulation needs to cover the various sources of sexualising material. The need for regulations to cover a range of different media underlines the importance of political leadership.

Existing regulation of the three main sources of the sexualisation of children in Australia is patchy. Advertising is poorly regulated through industry self-regulation, with the exception of television and cinema advertising, which fall under government guidelines. Television programs are more comprehensively regulated, but the outcomes of complaints received suggest that interpretation of guidelines may be weak in some cases. Girls' magazines are not regulated at all. Regulation of these types of media is discussed in greater detail below.

3.2 Regulation of advertising

Regulation of the Australian advertising industry with respect to advertising that might be considered offensive is performed by the Advertising Standards Bureau (ASB), although television and cinema advertising also fall under a range of additional guidelines prior to release (see Box 1 for information about the classification process for television commercials).⁶ The ASB was established by the Australian Association of National Advertisers (AANA), which represents the interests of companies responsible for 85 per cent of Australia's annual expenditure on national mainstream media advertising (AANA 2006), and it is funded through a voluntary industry levy administered by the Australian Advertising Standards Council.⁷ As an organization established and run by the advertising industry, there is a risk that the ASB lacks the

⁶ Films and cinema advertising are not discussed in this paper, as they play a much less significant role in children's lives than outdoor advertising, girls' magazines, and television programs and advertisements. The Office of Film and Literature Classification (OFLC) classifies both films and promotional advertisements for films that are shown in cinemas (OFLC 2006). Cinema networks determine the classification of cinema advertisements for products other than films in accordance with OFLC guidelines (communication with OFLC staff).

⁷ Regulation of truth, accuracy or legality in advertising is performed by the Fair Trading or Consumer Affairs agency in the relevant state, or by the Australian Competition and Consumer Commission.

independence necessary to effectively police advertising standards. The ASB note on their website that ‘advertisers share a common interest in promoting consumer confidence in and respect for general standards of advertising’ (ASB 2006). However, advertisers also have an interest in avoiding government scrutiny that may lead to stronger regulation of advertising in the interests of the general public (Dobrow 2002). Self-regulation is a strategy that enables the industry to avoid such scrutiny.

The ASB adopts a reactive approach to regulation. It does not scrutinise advertisements before they are released to the public. Rather, the onus is on members of the public to complain in writing about advertising that they feel is offensive, covering areas such as ‘use of language, the discriminatory portrayal of people, concern for children, portrayals of violence, sex, sexuality and nudity, and health and safety’ (ASB 2006).

Complaints received at the ASB are copied to the relevant advertiser, so that they can respond. It is common for complaints to be received from a number of different complainants about an advertisement, and Advertising Standards Board (AS Board) members consider all complaints received about an advertisement together as one ‘case’, along with the advertiser’s response, at their monthly meetings. The AS Board is claimed by the ASB to provide ‘an independent complaints resolution process’ (ASB 2006a). Board members are selected so that ‘the Board is a broad representation of the age, gender, cultural and geographic make-up of the Australian community’ (ASB 2006b). Details about current AS Board members are contained in Appendix 1.

In arriving at their decision about a complaint, Board members use the Advertiser Code of Ethics, a one-page document that aims to ‘ensure that advertisements are legal, decent, honest and truthful and that they have been prepared with a sense of obligation to the consumer and society and fair sense of responsibility to competitors’ (AANA n.d.a). Where relevant, they may also use the AANA Code for Advertising to Children, an additional two-page document (AANA n.d.b). There is no reference to the sexualisation of children in the Code for Advertising to Children, and the only guidance the Advertiser Code of Ethics provides is that ‘[a]dvertisements shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone’ (AANA n.d.b).

The Board seeks consensus on their determination for each case, but if consensus is unable to be reached then a simple majority vote (half the Board members present, plus one) determines the outcome. Once the Board has determined the outcome for a complaint, the complainant is provided with a brief written report (usually one or two pages), known as a case report. Case reports include a description of the advertisement, excerpts from the complaint or complaints received, excerpts or a summary of the advertiser’s response, and the Board’s determination. If a complaint is upheld by the Board, ‘the advertiser is requested to remove or amend the offending advertisement’ (ASB 2006a).

Box 1 Classification of television commercials prior to release

Television commercials and infomercials (hereafter simply ‘commercials’) must be classified prior to broadcast in accordance with the Commercial Television Industry Code of Practice. In brief, commercials are provided with a classification, for example, ‘G’ for general audiences or ‘M’ for mature audiences, and must only be broadcast in appropriate time slots, for example, ‘M’ classified commercials may not be broadcast during designated periods when children are likely to be watching (Free TV CAD 2006). A similar classification process is followed for television programs, as is discussed at length in Section 3.3. However, there are two main differences between classification as performed for television programs and that for television commercials and these are outlined below.

Firstly, in the case of television programs, it is the broadcasting station that determines the classification for each program (see Section 3.3). In the case of television commercials, Commercials Advice Pty Ltd (CAD) determines the classification for each commercial (Free TV Australia 2006). CAD is operated on behalf of Free TV Australia, the industry body for all Australian free-to-air commercial television broadcasters, and the practice of centralising television commercial classification relieves different members of Free TV Australia from the need to separately classify the same commercial when an advertiser wishes to run it on different broadcasting stations.

Secondly, a television commercial is classified as fitting one of twenty ‘placement codes’ instead of one of the seven television program classifications (Free TV CAD 2006). The placement codes are defined with respect to the seven television program classifications, but give more detail about the timeslots and kinds of programs in which the commercial may be broadcast than the classification codes used alone. The placement codes respond to additional restrictions that apply to commercials for liquor, gambling, and premium call advertisements directed to children (children may not understand that premium calls are more expensive than normal telephone calls). The placement codes also allow commercials for cinema, DVD, video computer and CD games in which the commercial style merits a less restricted classification but the commercial advertises a product which merits a more restricted classification to be screened at certain times during the less restricted timeslots. Finally, specific placement codes draw attention to the need to ‘exercise care’ with respect to potential child audiences.

However, it is not clear that the classification of television advertisements prior to their release effectively removes offensive television advertising material prior to broadcast, since almost 85 per cent of complaints received by the ASB relate to television advertisements (ASB 2006f). These include complaints about the sexualisation of children, as discussed below.

The AS Board rejects almost all complaints it considers. Each year some complaints received at the ASB are not considered, because the complaints fall outside the Board Charter.⁸ Between 2002 and 2005, the Board upheld on average 3 per cent of complaints considered each year, although the proportion upheld increased slightly but steadily over time, from 1 per cent in 2002 to 5 per cent in 2005 (ASB 2006f). In the specific category of complaints relevant to the sexualisation of children, the ‘sex, sexuality and nudity’ category, the Board’s record of upholding complaints appears to be particularly poor. The case reports do not give details of how many complaints were received for each case considered so it is not possible to tell exactly how many complaints in this category the Board upheld. However, as shown in Table 1, of the 407 cases (as opposed to individual complaints) in the category of ‘sex, sexuality and nudity’ the Board considered during the four-year period from January 2002 to December 2005, it upheld only two – 0.5 per cent.⁹ This is very significant given that ASB figures show that over the same period just over 25 per cent of all complaints considered by the Board for that period related to offensive use of sex, sexuality or nudity.¹⁰

In the absence of a representative survey of people’s attitudes towards sexualised advertising and the cases considered by the AS Board, it is not possible to determine with any certainty whether the Board’s decisions reflect prevailing community standards. Nonetheless, the available evidence – particularly the small proportion of cases where complaints have been upheld – indicates that the public may be more concerned about the use of sex, sexuality and nudity in advertising than the AS Board’s decisions suggest.

⁸ Before January 2006, the Advertising Standards Board did not consider complaints relating to advertisements that were no longer running at the time of the Board determination. From January 2006, consideration of such complaints by the Board began to be phased in.

⁹ In eight cases (just under two per cent), the advertiser withdrew the disputed advertisement upon receipt of complaints forwarded by the Board, which absolved the Board of any responsibility to make a decision.

¹⁰ Some complaints refer to more than one issue (for example, ‘sex, sexuality and nudity’ and ‘discrimination – sex’). The average of just over 25 per cent was arrived at by our calculations using data publicly available from the ASB (2006f).

Table 1 Outcome of complaints made to the Advertising Standards Board in ‘Sex, Sexuality and Nudity’ category, 2002-2005

Period	Number of cases	Number withdrawn	Number upheld
January-Dec 2002	91	1	0
January-Dec 2003	128	3	0
January-Dec 2004	104	2	0
January-Dec 2005	84	2	2
Total	407	8	2

Source: Summary of Case Reports of the Advertising Standards Board (2001-2005)

During the media coverage following the release of *Corporate Paedophilia*, the chief executive officer of the ASB, Fiona Jolly, was quoted saying that based on complaints received, the sexualisation of children in advertising is a ‘non-issue for Australian parents’ (Overington 2006).

However, it is very clear that at least some complaints received by the ASB in the sex, sexuality and nudity category related to the direct sexualisation of children.¹¹ For example, in relation to a Renault television advertisement that showed a young boy looking out his bus window at a female driver’s legs and short skirt through the Renault’s convertible glass rooftop, one complainant commented: ‘The advertisement used very young prepubescent boys and deliberately sexualises them. It verges on kiddy porn’ (ASB case report number 342, 2004). In another example, many complaints were received about an advertisement for Ingham’s Chicken nuggets, which showed a young boy and girl on a sofa leaning towards each other about to kiss. Complainants made comments including the following:

... the part I found offensive was the age of the girl and boy which I put at between 9 to 11 years of age.

... I find this sexualisation of pre-pubescent children highly inappropriate. The body language of the two children is quite lascivious in imitation of older teenagers ... one can only wonder whether Inghams are trying to sell chicken to paedophiles with this creepy ad.

... I think it is appalling to show children about to make out ... This ad shows that it is okay to be intimate and sexual at a young age and it is not (ASB case report number 301, 2003).

¹¹ For a full listing of complaints that we judged to be complaints about the sexualisation of children, see Rush and La Nauze (2006, pp. 11-13).

Moreover, in other cases, complaints in the sex, sexuality and nudity category referred to the indirect sexualisation of children, that is, the fact that children are exposed to stereotypical and highly sexualised images of adults in advertising material long before they can be expected to understand or analyse these images in adult ways. This is particularly the case for outdoor advertising. For example, in 2003 the ASB received a large number of complaints about an outdoor advertisement for Dufour deodorant (advertised by Gillette Australia Pty Ltd). The description given of the advertisement in the ASB case report is as follows.

The advertisement depicts four women clothed in bikinis with their arms around one another's shoulders. There is a caption across the middle of the women's bodies that reads: "Why Do One?" At the bottom of the advertisement is a message that reads "*DuFour deodorant for men*".

The ASB gave the authors access to the full complaints about this advertisement. Complaints included comments like the following.

I have two boys aged 10 and 14 and am desperately trying to teach them to admire and respect women. With the papers full of rape crimes does this advertisement help? – *I think not* (emphasis in original).

And then there's the issue of teenage boys and younger travelling along trams along this route every day seeing this ad – how is this going to affect the way they view and value women in the world?

Most offensive is that it is on buses during the day for children to see and when my 10-year-old daughter asked me to explain it, this ad is not able to be explained in any rational or logical manner without objectifying women as sexual objects.

This advert is saying to young school-aged boys that it is ok just to 'do' women. It is saying to girls – you are just objects, don't bother to study or work, just get ready to be 'done' by the lovely-smelling boys.

The AS Board dismissed the complaints it received about the DuFour advertisement, and it is not clear how seriously it took the indirect sexualisation of children as one aspect of the complaints it received. The ASB allowed the authors access to a number of cases for research purposes, and in one of these cases (not the Dufour advertisement just discussed) a response to the issue of children's exposure to sexualised outdoor advertising material was handled by a representative of the advertising agency that developed the advertisement in question as follows.

As a [parent] ... my primary focus has [sic] and always will be just two objectives. The development of a profound and instinctive respect for others. And the development of a very high self-concept. The child who is incapable of evolving a healthy self-concept because of street posters would have far more deep rooted problems to contend with than [outdoor] ads.

The AS Board's approach to sexualised advertising material do not seem to take into account is that it is never just one advertisement affecting children. Over the course of a childhood, it is cumulative exposure to hundreds or thousands of highly sexualised advertisements, with each advertisement often viewed multiple times, that affects children's development. It is quite possible that complaints received at the ASB are simply the tip of the iceberg of public discontent with advertising that affects children – it is after all impractical for members of the public to complain about everything.

In most cases the Board's justification for its determination in any given case is limited to five or six sentences, and the key phrase that is regularly used for complaints in the category of 'sex, sexuality and nudity' is 'in the context of prevailing community standards, the majority of people would not find this advertisement offensive'. However, since 'community standards' are nowhere defined, it is not clear how advertisements are judged against them – and in any case 'the majority of people' may not be the appropriate group to consider when concerns about an advertisement include its impact on children. The exceptionally small proportion of complaints upheld in the 'sex, sexuality and nudity' category raises questions both about the processes used by the Board and about the capacity of the Board members to judge what 'prevailing community standards' are in the absence of any procedural guidance.

That current Board processes may be less than ideal is to some degree acknowledged in two of the ASB strategic objectives for 2006-2007. One strategic objective is to 'Demonstrate the effectiveness of self-regulation through ... measurement of the Board's decisions against community standards' (ASB 2006e). This reference to some sort of calibration exercise appears to acknowledge the need for a check on the Board's perception of 'prevailing community standards' in the absence of any considered definition of these standards. However, such calibration does not appear to have been undertaken in the past and it remains to be seen how it will be carried out. A further strategic objective for 2006-2007 is to 'Investigate and report on the feasibility of enhancements to the advertising self-regulation system, with a priority being whether or not to establish a review mechanism for Board decisions' (ASB 2006e). A review mechanism enabling complainants to appeal against Board decisions would to some degree bring the advertising industry into line with the television industry, in which complaints must first be made to broadcasters but a government review process, conducted by ACMA, is available for complainants to appeal against broadcaster decisions they are not satisfied with (see Section 3.3). A review mechanism for ASB decisions would best be located in a government entity independent of the ASB, since if the review mechanism remained located within the advertising industry it would be as potentially compromised as the ASB.

When applications for new board members were sought in May 2006, the position description claimed that the 'Board was established by the advertising industry as a means of providing a public and transparent complaints consideration process about advertisements' (ASB 2006c). Although the ASB allowed the authors access to a number of complaints files for research purposes, the complaints consideration process is not as transparent as this claim makes out. In particular, requests for access to records of discussion at Board meetings were refused.

Moreover, the case reports produced make no mention of the number of complaints received about an advertisement before the Board considered the case. In some cases, only one complaint may be received, while in others, the number is over one hundred. ASB figures for the period January to June 2006 show that on average, 18 complaints were received for each advertisement (or ‘case’) considered by the Board (ASB 2006g). Given that the number of complaints received is one indication of the degree to which an advertisement offends against prevailing community standards, its omission on the case reports is surprising. Furthermore, now that the ASB allows online submission of complaints through their website, it would also be possible for the Board to receive some aggregated demographic data about those people who complain on line (for example, information about the sex of complainants and the range of ages of complainants). This information could assist the Board to judge whether a broad range of people across the community are offended by an advertisement; if they are, then this would count as some additional evidence that the advertisement does offend against prevailing community standards. Finally, when large numbers of complaints are received, a one to two page case report may not be adequate to summarise concerns raised by complainants.

When the lack of transparency of the Board’s decision-making process is considered alongside the small proportion of complaints that are upheld in the ‘sex, sexuality and nudity’ category, this suggests that in the past the Board has not been as reflective of ‘community standards’ as it is claimed to be. It remains to be seen whether the retirement of some past Board members and the addition of new ones from August 2006 will result in more effective regulation of the advertising industry, particularly as it impacts upon children (see Appendix 1). Only two of the sixteen Board members appear to have professional experience or qualifications in areas related to child development.

Following the public discussion generated by the release of *Corporate Paedophilia* (Rush and La Nauze 2006), an article in *The Australian* newspaper reported that the AS Board had ‘banned’ two ‘television commercials that link sexualised images and children’ (Sinclair 2006). The article commented that a ‘source close to the [AS] board ... said [the board] had been keen to combat criticism that it was “soft” on the sexualisation of children’ (Sinclair 2006).

This appears to represent a response by the AS Board to public concern about the sexualisation of children, but it is a limited response at this stage. This can be seen from considering the two television advertisements about which the Board upheld complaints alongside some of the many other advertisements it dismissed complaints about at its November 2006 meeting.

The two television commercials about which the Board upheld complaints were as follows.¹²

¹² Only the most relevant portions of the full AS Board case reports are quoted here. In the case of the computer game commercial, the full case report is on page long, and in the case of the flavoured milk commercial, it is one and half pages long.

The first was an advertisement for a computer game. The case report's description of the advertisement is as follows.

[The advertisement] begins in the style of late-night "adult" commercials and opens with a female voiceover asking "Guys. Are you looking for a little one-on-one girl action fantasy?" As computer generated images of three young women appear on screen the voice continues "Well Lili, Anna and Christie are waiting for you right now". A short burst of game play is shown with martial arts action and noises, and a continuation of the female voiceover in an aggressive tone "Waiting to kick your **** ass, you ****. C'mon.

The excerpt from the complaint given in the case report is:

The girl looks under the age of consent ... That she is a computer-generated image is, I believe, irrelevant to the issue that an image of a child is being sexualised.

The determination of the case specifies that the Board 'viewed the advertisement several times'.

In particular, the Board considered the first shot of the advertisement which depicted a computerised image of a young girl. The Board agreed that the girl – although clearly a computer-generated image – appeared to be well under the age of sexual consent.

The Board then considered the image in the light of the voiceover which the Board considered to be highly sexual in nature. The Board agreed that the sexual nature of the voiceover strongly sexualised the image of a child. The Board did not accept that the computer-generated nature of the image was relevant to whether or not it depicted a sexualised child. The Board considered that the use of an image of a child in an overtly sexual context was a depiction that was not sensitive to the relevant audience, or any audience.

The Board concluded that the advertisement contravened section 2.3 of the Code dealing with sexuality (AANA n.d.a.) and upheld the complaint.

The second television advertisement about which the Board upheld complaints was an advertisement for flavoured milk. The case report's description of the advertisement is as follows:

[The advertisement] opens on Chill [milk] product varieties then shots of barn with a Ford V8 FPV Super Pursuit Ute with a Seadoo (jet ski) and trailer attached, and a male voiceover announcing you can win this prize by sending in three tokens from the product packs. He continues "Dang think costs so much we couldn't afford a sexy girl for the ad but we know you want her, so here's the best we could do". In the style of the movie "The Dukes of Hazzard", into the barn walks a Barbie-style doll wearing a bikini and high-heeled boots, and carrying a bucket and sponge. The doll proceeds to wash the car hubcaps whilst shaking her bottom to the camera, lying on the car's bonnet and sliding down the

windscreen wiper. She washes the front windscreen on all fours then washes the grille with her bottom in the air, finishing by sitting on the bonnet with her legs apart and pouring the bucket of water over her body.

Excerpts from the complaints given in the case report include:

It's blatantly sexual and I find the use of a Barbie doll explicitly tells young girls "this is expected of you. This is what men want".

Using a Barbie doll in explicit sexual positions – would children mimic [sic].

I found the sexualisation of a children's toy offensive.

... it instantly attracts children because it's a toy but sends out disturbing sick signals to children.

The relevant part of the Board's determination is as follows:

Turning to section 2.3 of the Code, the Board noted that the doll was clearly intended to be highly sexualised, given the movements of the doll, the nature of the dancing and the pouring of water over the doll's breasts ... the Board agreed that the depiction of highly sexual dancing and gyrating by a child's doll was not acceptable in the light of prevailing community standards. The Board considered that the use of the child's toy made these depictions inappropriate and amounted to the insensitive depiction of sexuality according to Section 2.3 of the Code. The Board noted that although the advertiser stated that they had placed most of the advertisements after 7.30 at night, the viewing audience for the advertisement would include children and young adults. The Board considered that the sexualisation of a child's toy was inappropriate particularly considering the relevant audience, as opposed to the intended audience.

That the AS Board upheld complaints about these two advertisements does send a message to advertisers that they should avoid directly linking sexualised images and children. There is also evidence that a number of complaints about sexualised advertising were upheld in 2006 on the basis of the advertisements' potential exposure to children.¹³ However, it appears that material needs to be heavily sexualised to be considered inappropriate. As a result, children continue to be exposed to a large range of sexualised material.¹⁴

At the same AS Board meeting where it upheld the two complaints discussed above, the Board considered a number of other advertisements that provide good examples of the kinds of things children are routinely exposed in their daily life, although from the summaries given in the case reports it appears that the complainants did not refer to the effects of these advertisements on children. They also considered two advertisements that attracted complaints specifically referring to the effects on young people.

¹³ Complaint statistics for 2006 were incomplete at the time of publication and hence were not analysed in detail.

¹⁴ For example, see Lee Jeans Billboard, Complaint Reference Number 370/06'.

Sexualised advertisements considered by the Board, but about which complaints were dismissed, included:

- An advertisement for the GPO Melbourne Retail Centre featured on Melbourne trams, ‘depicting a woman dressed in underwear, lying on her back on a bed with one arm above her head and the words “Rightfully Yours”’;
- A billboard advertisement for a gym, featuring ‘a woman’s torso wearing black leotards and green bra-style top leaning forward with one hand on her knee and the other holding an exercise dumbbell behind her’ (the determination adds that ‘the woman’s cleavage was clearly shown’); and
- Two outdoor advertisements ‘which feature a glass of Guinness and the question on one execution reads “Scarlett Johanssen or Angelina Jolie?” and the other reads “Silicone: Work of genius or just a brilliant idea?”’

Of course, advertisements using sex to sell products and services are extremely common. But it is precisely the fact that sexualised advertising is so much ‘the norm’ that leads to its effects on children at very young ages. Two further sexualised advertisements attracted complaints that referred specifically to their effects on children.

The first complaint was about an outdoor advertisement, featured on public transport, described in the case report as depicting ‘a woman’s torso wearing bikini top and shorts, sitting alongside a Yamaha motor boat engine with the banner headline “Empire Bay Marina – for all things boating”’. The excerpt from the complaint given in the case report is: ‘[The advertisement] portrays women as anonymous, faceless sex-objects and is made even worse by the fact that it appears on the back of a school bus’. The Board acknowledged that the advertisement ‘used the image of an attractive woman to attract male customers, but also agreed that this of itself did not constitute discrimination against or vilification of women’, despite the fact that only the semi-clothed torso was pictured. The Board determined that ‘the image of the woman’s body was not inappropriately sexual’ and dismissed the complaint.

The second complaint was about a television advertisement for pole-dancing classes. In the case report, the advertisement is described as follows.

[The advertisement] is set in a women’s only gym and features women dressed in typical exercise-wear, using poles attached to the ceiling as a focus for their exercise routine. A female voiceover announces “Want to have some fun? Dress up. Have a hen’s night. Play up. Act up. Get vertical. Pilates Canberra”.

The excerpt included from the complaint was:

Young girls in skimpy clothing suggestively dancing around poles – pole dancing.

What messages are we giving to our young boys and girls about women? There is no doubt about the sexual innuendo that it implies.

The advertiser responded that the women in the advertisement ‘were from 20 to 45 years of age dressed in sports wear’, and insisted that pole dancing was a ‘sport’ and that the type of pole dancing taught ‘is a far cry from the Pole Dancing found in strip clubs’. The advertiser also noted that they had:

advised the TV station not to run ads during children’s shows such as *Toasted TV*, however we do believe there is a place for them in prime time, and hope that parents would explain to children (if necessary, because do children really understand what Pole dancing in strip clubs is about, I think not, perhaps this is an adult hang-up and preconception) that pole dancing is a form of aerobic exercise for women in a women only environment that helps them feel good.

The Board dismissed the complaint, noting that ‘there was no nudity in the advertisement’, and adding ‘that there was no sexual content to the advertisement (apart from the obvious connection to pole-dancing in strip clubs)’. The sexual content implied by the voiceover (‘hen’s night’, ‘dress up’, ‘play up’, ‘act up’, and ‘get vertical’ as a play on ‘get horizontal’) was not discussed in the determination. The Board apparently failed to notice that any parent would have to negotiate the sexual content of ‘hen’s night’ or ‘get vertical’ when trying to explain these expressions to a child who asked about what they meant.

The fact that sexualised advertising is now so commonplace is unsurprising given that it has been overwhelmingly allowed by former AS Boards in spite of the many public complaints received. The default context is therefore for the new AS Board to allow all but the most sexually explicit advertisements, since there is no precedent for rejecting anything less. As things stand, for the indirect sexualisation of children to be minimised would now require a cultural shift in the advertising industry; it would have to foster genuine creativity rather than frequent reversion to the simplest sexual formulae. It would be understandable if the new Board were unable to rise to the challenge of forcing such a cultural shift, given the poor foundation laid by former Boards in the category of ‘sex, sexuality and nudity’. However, if the Board is to adequately reflect ‘community standards’, particularly as they apply to children, then a recognisable shift towards rejecting gratuitously sexualised advertising is likely to be necessary.

In this light, it is of significant concern that one current Board member was quoted in the September 2006 edition of the ASB quarterly newsletter, ‘AdStandards News’ as follows.

I think one of the Board’s significant challenges is that we must deal with the expectations of parents who think we should be the arbiters of good and bad taste ... The Board cannot assume some kind of parental role and try to make decisions based on what is good and bad taste for children (ASB 2006g).

The sexualisation of children is not simply a matter of taste. It exposes children to a variety of potential harms (Rush and La Nauze 2006). This Board member’s comment stands in stark contrast to the view of many experts in child development.

It seems that we've reached the point when adults' right to media freedom has come into direct conflict with children's right to grow up in a non-toxic environment (Palmer 2006, p. 262).

Sexualised material is not difficult for adults to find if they wish to experience it. If children's right to develop at their own pace is to be respected, the advertising industry must acknowledge that although it is not the intention of any individual advertiser, the current norms of advertising to teenagers and adults can result in the premature sexualisation of children. Given this fact, responsible advertisers would promote more sensitive treatment of, and reduced reliance on, sexual themes in advertisements easily viewed by children, particularly outdoor and television advertisements – and a responsible AS Board would insist upon it.

3.3 Television regulation

Television classifications and timeslots

The Australian Communications and Media Authority (ACMA), a government body, has responsibility for overseeing television content and programming. Prior to July 2005 this role was performed by the Australian Broadcasting Authority (ABA), which then merged with the Australian Communications Authority to become ACMA. The mechanisms by which ACMA oversees television content and programming are outlined below.

All television programs and advertisements are classified according to their content. Programs are classified by the broadcasting station in line with the relevant code of practice,¹⁵ while advertisements are classified by Commercials Advice Pty. Ltd. (CAD), a service owned by Free TV Australia in line with the Commercial Television Industry Code of Practice. Classifications include G (General), PG (Parental guidance recommended), M (Mature), MA (Mature adults) and AV (Adult violence). P (Preschooler) and C (Children's) are used for programs judged to be of high quality for these age groups. These classifications are then used in conjunction with 'classification zones' – timeslots 'based on the majority audience normally viewing at that time, with particular regard to the child component of the audience' (Free TV Australia 2004, p. 13). Effectively, both sexual and violent material is restricted in timeslots where children are likely to be watching, and the degree to which it is restricted depends on how likely children are to be watching.

More detail about the classifications used, including in particular information relevant to the issue of the sexualisation of children, is provided in Appendix 2, and a summary of the classification zones is given in Appendix 3.

It is worth noting that the PG classification (Parental guidance recommended) is becoming increasingly outdated in an era where there are fewer full-time homemakers. These days, if a parent is at home before or after work with their children, they are more

¹⁵ The Commercial Television Industry, the ABC and SBS each have their own code of practice, but these codes are very similar (Free TV Australia 2004; ABC 2004; SBS n.d.). In all cases ACMA oversees the code of practice and the broadcasters' compliance with the relevant code of practice.

likely to be busily completing domestic chores while supervising children on the side than sitting watching television with children in order to provide guidance where needed.

If members of the public feel that a television program has been incorrectly classified, or broadcast during an inappropriate timeslot, they can make an informal complaint by telephone to the broadcaster or a formal complaint in writing. The latter triggers a complaints process within the broadcasting organisation, with an option for the complainant to refer the complaint to ACMA if they find the broadcaster's response unsatisfactory. This process and its outcomes are discussed below.

Procedures for complaints about television content and programming

Although ACMA has final responsibility for regulating television content and programming, many matters fall to broadcasters themselves for primary oversight and ACMA aims to promote such self-regulation (ACMA 2006b).¹⁶ Broadcasters develop their own codes of practice, and ACMA registers these codes of practice 'once it is satisfied that broadcasters have undertaken appropriate public consultation and the codes contain appropriate community safeguards' (ACMA 2006c).¹⁷ This means that the 'primary responsibility for ensuring that programs reflect community standards rests with radio and television stations' (ACMA 2006c). Consumer complaints must therefore be made in the first instance to the broadcasters themselves. Complaints may only be made to ACMA if the broadcaster does not respond to the complaint within 60 days, or if the response is unsatisfactory (ACMA 2006c).

For complaints that are made by telephone to broadcasters, no records are kept. However, for complaints that are made in writing to broadcasters statistics reveal that very few are upheld. During the period October 2002 to June 2005 (the period for which consistent data is available), both the commercial broadcasters and the ABC upheld less than five per cent of the written complaints they received.¹⁸

A small proportion of complaints received by broadcasters then flow through to ACMA because the broadcaster has not responded or the complainant finds the response unsatisfactory.¹⁹ During the period October 2002 to June 2005, less than one per cent of all complaints to the ABC, and approximately seven per cent of all complaints to commercial broadcasters, were referred on to the ABA (now ACMA) by

¹⁶ ACMA directly oversees compulsory minimum annual quotas for Australian content and children's programs.

¹⁷ The ABC Code of Practice 2004 is available at <http://www.abc.net.au/corp/pubs/codeprac04.htm> (17 August 2006). The Commercial Television Industry Code of Practice – July 2004 is available at http://www.freetvaust.com.au/Content_Common/pg-Code-Review.seo (17 August 2006).

¹⁸ Our calculations from figures provided in CTA 2003; Free TV Australia 2004a; Free TV Australia 2005; and quarterly reports from the ABC ('ABC Public Report for Audience Comments and Complaints'), available from the ABC corporate publications page at <http://www.abc.net.au/corp/pubs/reportsindex.htm> (16 August 2006).

¹⁹ Where complainants feel that radio broadcasters have not given a satisfactory response to their complaint about a radio broadcast, ACMA also receives these complaints. In all that follows, we discuss only complaints made to ACMA about television broadcasts.

complainants.²⁰ The industry body that represents all of Australia's commercial free-to-air television licensees, Free TV Australia,²¹ claims that this low referral rate to the ABA indicates that in most cases 'viewers are satisfied with the station's investigation and response' (Free TV Australia 2005, p. 7). However, the low referral rate to the ABA may equally be the result of complainants losing faith in the process or lacking the motivation to follow through. For those complaints that were referred by complainants to the ABA during the period July 2001 to June 2005, 31 per cent were upheld,²² compared with less than 5 per cent of complaints upheld by broadcasters. So it is not clear to what degree the broadcasters respond adequately to public concerns.

Complaints specifically relating to the sexualisation of children

From the information that is publicly available, only a partial picture can be obtained of public concern about the sexualisation of children, and the response to such concern by both broadcasters and the ABA.²³

From the summary statistics that are available from the broadcasters, it is clear that complaints regarding sex, sexuality and nudity made up only two per cent of all complaints received by the ABC, but almost 25 per cent of complaints received by commercial broadcasters.²⁴ However, it is impossible to tell from these statistics what proportion of all complaints received in this category specifically related to the sexualisation of children.²⁵ Certainly some did, for among complaints upheld by broadcasters during the period October 2002 to June 2005, a number clearly related to sexual material inappropriate for viewing by children, as shown in Boxes 2 and 3.²⁶

²⁰ Our calculations from data in ABA Annual Reports (2003, 2004, 2005); CTA 2003; Free TV Australia 2004a; and Free TV Australia 2005.

²¹ Free TV Australia was formerly known as 'Commercial Television Australia'.

²² Our calculations from details provided in ABA Annual Reports (2001-2002 to 2004-2005).

²³ From broadcasters, summaries of the substance of upheld complaints are available but no description (beyond the summary statistics) is available for the many complaints that were not upheld. ACMA give summaries of the substance both of upheld complaints (where the broadcaster is found by ACMA to be in breach of their code of practice) and complaints that are not upheld. However, in summaries from both broadcasters and ACMA, sometimes it is not clear what kind of inappropriate material (violent, sexual or both) was shown in a G or PG time slot, so such cases have been excluded from our discussion below.

²⁴ Our calculations from figures provided in: CTA 2003; Free TV Australia 2004a; Free TV Australia 2005; and quarterly reports from the ABC ('ABC Public Report for Audience Comments and Complaints'), available from the ABC corporate publications page at <http://www.abc.net.au/corp/pubs/reportsindex.htm> (16 August 2006).

²⁵ Reports by Free TV Australia do list a selection of programs that received the highest number of complaints, and the nature of these complaints is summarised although most of the complaints were not upheld. A number of these programs attracted complaints regarding sexual references and nudity that viewers considered inappropriate for the time zone, including: *Australia's Funniest Home Video Show*, *The Block*, *The L word*, *Secret Life of Us* (promotion), *Big Brother PG rated shows*, *The OC* (promotion), and *Neighbours* (CTA 2003; Free TV Australia 2004a; Free TV Australia 2005).

²⁶ At the time of investigation, SBS did not have summary statistics publicly available. However, on request SBS staff completed a survey of formal complaints for the period January 2005 (when the SBS Office of Audience Affairs was established) to June 2006. During that period a total of 11 formal complaints were made which had as their main concern the broadcast of television programs involving nudity or sexual content during timeslots when the complainants considered that children are more likely to be exposed, out of a total of 223 formal complaints for the period (Therese Iverach, SBS, personal

Box 2 Complaints upheld by the ABC relating to the sexualisation of children, October 2002 – June 2005 (including ABC response)

A viewer complained about the use of the word ‘hornbag’ in an ABC Shop Christmas catalogue promotion. We explained that while the term ‘hornbag’ was consistent with a ‘G’ classification, we would not run the promotional spot in children’s viewing times in the future and would not use the term in any other ABC shop advertising (Report period Oct-Dec 2002).

A viewer complained that a promotion for the program *Hard Core Candy* included the offensive statement ‘it’s not pornography but it is pretty good’. We acknowledged the viewer’s concerns and assured the viewer that Fly TV did not endorse or promote pornography. The promotion was intended to be light-hearted and humorous. While we were comfortable that the promotion did not breach classification guidelines, after consideration we had decided to remove the promotion from *Saturday Morning Fly* (Report period Jan-Mar 2003).

A viewer complained that *rage* included video clips that were unsuitable for broadcast during the ‘G’ classification timeslot as they depicted violence, sexual themes, suicide themes and inappropriate role modelling. Our classifiers reviewed the clips and concluded that they should both be reclassified ‘PG’. We expressed our regret that the videos had been broadcast during ‘G’ programming and assured the viewer that the videos would no longer be shown during the ‘G’ timeslot (Report period Jan-Mar 2003).

Source: ABC Public Reports on Audience Comments and Complaints ²⁷

communication). That is, in the 18 months for which data is available for SBS, 5 per cent of complaints related to the sexualisation of children.

²⁷ Quarterly reports, available from the ABC corporate publications page at <http://www.abc.net.au/corp/pubs/reportsindex.htm> (16 August 2006).

Box 3 Complaints upheld by commercial broadcasters relating to the sexualisation of children, October 2002 – June 2005

Ten News / Charmed / True Lies – One complaint was upheld concerning sexual references in program promotions which were unsuitable for broadcast in a ‘G’ classification zone (CTA 2003, p.5).

Advertisement for *Puppetry of the Penis* (Network Ten) – One complaint was upheld in relation to an advertisement that was shown in an unsuitable time zone. The network has reviewed its scheduling procedure to endeavour to ensure this error is avoided in the future (FTA 2004a, p. 4).

There was one upheld complaint in relation to the placement of a telephone sex line advertisement during *Aerobics Oz Style* (Southern Cross TEN Capital) ... The station has reviewed its commercial acceptance procedures to guard against recurrence of this error (FTA 2005, p. 6).

There was one upheld complaint concerning an inappropriately placed [telephone-sex line] advertisement shown during *The Simpsons* (Southern Cross Ten Northern NSW) ... The network has brought this to the attention of scheduling staff to ensure this error does not occur again (FTA 2005, p. 7)

Note: For some complaints upheld, the industry body was not specific about what kind of inappropriate material was shown in a G or PG time slot. The inappropriate material may have been violent rather than sexual, so these complaints upheld have not been included in the table above.

Information available from the ABA (now ACMA) is more detailed than that available from the broadcasters. Among all complaints investigated by the ABA during the period July 2001 to June 2005, and by ACMA during the period July 2005 to June 2006, it is possible to ascertain that at least 10 per cent specifically related to the sexualisation of children.²⁸ However, only 16 per cent of these complaints specifically relating to the sexualisation of children were found by the ABA or ACMA to be instances where broadcasters were in breach of their code of practice, compared with 24 per cent of all complaints that were found to be instances of a breach.²⁹ This is consistent with instances of the sexualisation of children as identified by members of the public slipping through regulatory guidelines.

For the period July 2001 to June 2006, Table 2 shows summary details of all complaints relating to the sexualisation of children where the broadcaster was found by the ABA or ACMA to be in breach of its code of practice. Table 3 shows summary details of selected complaints where the broadcaster was found not to be in breach by the ABA or

²⁸ Complaints identified as specifically relating to the sexualisation of children referred to one or more of sexual references, sexual behaviour and nudity in a G or PG time slot

²⁹ Our calculations from figures provided in ABA Annual Reports 2001-2002 to 2004-2005 inclusive, as well as ACMA Annual Report 2005-2006.

ACMA (a full listing of complaints where the broadcaster was found not to be in breach is provided in Appendix 4).

Table 2 Complaints relating to the sexualisation of children, ABA or ACMA found broadcaster to be in breach of code of practice, 2002-2006

Year	Station	Program	Substance of Complaint
2002-2003	NWS 9 Adelaide	<i>A Current Affair</i>	Images of naked men being abused shown when children were likely to have been watching
2002-2003	TVQ 10 Brisbane	Promotions for <i>American Pie</i>	Promotion contained sexual references inappropriate in a G time slot
2004-2005	TCN 9 Sydney	Promotion for <i>The Specialist</i>	M film promoted in G time slot with strong sexual overtones and violence
2004-2005	TNQ Regional Queensland	<i>Good Morning Australia</i>	Program contained nudity and semi-nudity inappropriate for a PG time slot.
2005-2006	TEN Sydney	Promotion for <i>The OC</i>	Inappropriate references to sexual behaviour in PG viewing period. Failure to provide substantive written response.
2005-2006	TVW Perth	<i>Family Guy</i>	Inappropriate sexual references during PG time slot.

Source: ABA Annual Report 2002-2003, ABA Annual Report 2004-2005, and ACMA Annual Report 2005-2006.

Table 3 Selected complaints relating to the sexualisation of children, ABA or ACMA found broadcaster not to be in breach of code of practice, 2002-2006

Year	Station	Program	Substance of complaint
2002-2003	BCV/GLV Regional Victoria	<i>Footballers' Wives</i>	Contained sexual behaviour inappropriate for G time slot.
2003-2004	CBN Prime Canberra & Sthn NSW	Promotion for <i>Mile High</i>	Promotion showed nudity and sex scenes and was inappropriate in a G time slot
2004-2005	GTV 9 Melbourne	<i>The Wedding Singer</i>	PG classified movie contained sex and other elements in excess of the PG classification level.
2004-2005	BCV/GLV Western Victoria	Promotion for <i>There's Something About Miriam</i>	M program promoted in G time slot depicted partial nudity and references to sexual behaviour
2004-2005	VTV Regional Victoria	<i>Drop Dead Gorgeous</i>	PG classified movie contained obscene language and sexual references in excess of the PG classification level.
2004-2005	TVQ 10 Brisbane	Promotions for <i>Just Shoot Me</i> and <i>Newlyweds</i>	PG programs promoted during G movie depicted strong sexual references.
2004-2005	NEW 10 Perth	<i>Video Hits</i>	Video Clip of 'Goodies' by Ciara featured sexual behaviour and clothing in G time slot
2004-2005	ATV 10 Melbourne	Promotion for <i>One Tree Hill</i>	PG promotion in G time slot with references to sexual behaviour
2005-2006	TEN Sydney	<i>Big Brother</i>	Inappropriate nudity and sexual behaviour during PG time slot
2005-2006	SBS Brisbane	<i>The Movie Show</i>	Inappropriate content (sex and nudity) during PG time slot

Source: ABA Annual Reports (2001-2002 – 2004-2005 inclusive) and ACMA Annual Report 2005-2006.
Note: A full listing of complaints during this period where the broadcaster was not found to be in breach by the ABA or ACMA is given in Appendix 4.

For many of the complaints dismissed by the ABA or ACMA, it is not clear why these instances did not count as a breach of the code of practice whereas other similar instances did. Of the 38 complaints clearly relating to the sexualisation of children that were forwarded to the ABA or ACMA after the complainant felt the broadcaster's response was unsatisfactory over the period July 2001 to June 2006, only six of these (16 per cent) were accepted as constituting a breach of the broadcaster's code of practice by the ABA or ACMA.

In terms of guidelines relevant to the sexualisation of children, guidance provided by broadcasters' codes of practice is essentially limited to the classification information and the related timeslots given in Appendices 2 and 3. For material classified G, visual depiction of, and verbal references to, sexual behaviour must be brief, infrequent, contain little or no detail, and be strictly limited to the story line or program context. For material classified PG, visual depiction of and verbal reference to sexual behaviour must be restrained, mild in impact and justified by the story line or program context.

In summary, the limited information available shows firstly, that there is public concern about the sexualisation of children via television content and programming, and secondly, that it is unclear to what degree this public concern can be officially recognised under the existing regulatory structures. Of those complaints clearly relating to the sexualisation of children that are first made to broadcasters and then referred to the ACMA (formerly the ABA) because the broadcaster's response was deemed unsatisfactory by the complainant, most (84 per cent) are rejected.

Public concern about the sexualisation of children via television content and programming appears to be impeded by the current regulatory structures in two ways. Firstly, it seems likely that many members of the public are discouraged by the dismissal of their complaint by the relevant broadcaster; at the very least, their initial strong concern is likely to have faded somewhat by the time they receive the broadcaster's response up to 60 days after they made the complaint. Secondly, even in cases where members of the public do forward their complaint to ACMA because they are unhappy with the broadcaster's response, it appears that the present classification codes are inadequate to properly address the issue of the sexualisation of children. The codes include sexual activity and sexual references, but do not cover sexually suggestive behaviour and appearance. The latter is a particularly difficult area to regulate, raising questions such as: What counts as sexually suggestive behaviour and appearance? How much sexually suggestive material is too much for children? However, in the absence of any regulatory guidance from the classification codes, it appears that complaints from members of the public are currently being rejected on the basis that broadcast programs do not breach the codes.

Ongoing public consultation undertaken by ACMA

It is important to note that as well as overseeing the broadcasters and managing its own complaints process, ACMA also undertakes regular public consultation. Of particular relevance to concerns about the sexualisation of children, in December 2005 a full review of the Children's Television Standards was announced. These standards include the C and P classifications for quality children's television, the minimum number of hours of programming with these classifications that must be screened by commercial

television broadcasters, and the restrictions on advertising during peak viewing times for children. ACMA expects this review to attract ‘considerable interest from the broadcasting and production industries, parents, teachers and other groups and individuals with concerns for children’s welfare’ – particularly given ‘the competing views in the community over questions about what is in the best interests of children’ (ACMA 2005). An ACMA discussion paper on the review of the Children’s Television Standards is currently in preparation, and will be released for public comment some time in 2007.

3.4 Girls’ magazines

The Office of Film and Literature Classification (OFLC) is the government body responsible for the regulation of printed publications in Australia. The OFLC classifies publications according to their content, and classification decisions seek to give effect to the following principles:

- (a) adults should be able to read, hear and see what they want;
- (b) minors should be protected from material likely to harm or disturb them;
- (c) everyone should be protected from exposure to unsolicited material that they find offensive;
- (d) [there is a need] to take account of community concerns about: (i) depictions that condone or incite violence, particularly sexual violence; and (ii) the portrayal of persons in a demeaning manner (OFLC 2006a, p. 1).

In principle (b), harm is defined as ‘cause damage’ and ‘disturb’ is defined as ‘emotional trauma or anguish’ (OFLC 2006a, pp. 18-9). It would be difficult to argue that any single instance of the sexualisation of children of the type under discussion here would be likely to have either of these effects on a minor. Harm and perhaps disturbance of the type defined by the OFLC are likely to occur only when children are repeatedly exposed to sexualising material. Of course, children are repeatedly exposed to sexualising material, from a variety of sources, but the case-by-case approach of the OFLC is unable to account for this.

In fact, girls’ magazines are not even required by the OFLC to be submitted for classification – they do not count as ‘submittable publications’ (OFLC 2006b). Under OFLC guidelines, the only publications that need to be submitted for classification are those that are likely to be restricted to adults because they contain ‘depictions or descriptions likely to cause offence to a reasonable adult’, because they are ‘unsuitable for a minor to see or read’, or they are ‘likely to be refused classification’ (because they contain sexual or violent material which exceed the other categories and cannot be legally sold in Australia) (OFLC 2006c; OFLC 2006b). The sexualisation of children is significantly subtler than outright pornography, so girls’ magazines do not require classification.

In light of the lack of regulation for children’s magazines, the Australia Institute contacted the three leading magazines for primary school aged girls, *Total Girl*, *Disney*

Girl, and *Barbie Magazine*, to request information about how they monitor the content of their publications to ensure the material used is appropriate. Any publisher of material for children could reasonably be expected to have a code guiding decisions about content included, and also a complaints procedure to handle any negative feedback from parents.

A representative from *Barbie Magazine* advised us to contact Mattel Australia; Mattel Australia declined to provide the information requested.

Disney Girl did not respond at all, despite repeated requests by formal letter, fax, email and telephone.

Such refusals to provide details about procedures for monitoring the content of children's publications to ensure the material used is appropriate inspires no confidence that a responsible professional approach is taken to the developmental vulnerability of either magazine's readers. This is of substantial concern given that both magazines are pitched to a primary school audience, and that approximately 10 per cent of girls aged from six to eleven read each magazine (Rush and La Nauze 2006, p. 15).

However, *Total Girl* is far more popular than either of the other two magazines, with 20 per cent of seven-year-old girls, 24 per cent of eight-year-old girls, and around one third of girls aged nine to eleven reading it (Rush and La Nauze 2006, p. 15). To *Total Girl's* credit, the magazine both has an editorial policy and was prepared to submit it for public scrutiny.

The editor of *Total Girl* responded to our request, writing that the entire team at *Total Girl* 'interact with girls in the 6 to 13 year old age group on a regular basis and are very mindful of the responsibility that comes with this'. *Total Girl's* 'editorial policy states that it will provide readers with a safe place to read, interact and learn'.

Specifically, *Total Girl's* policy on readers and models appearing in the magazine and the appropriate use of content is as follows:

Clothing: No girl in *Total Girl* appears wearing brief underwear, swimwear or sleepwear.

Make-up: Models appearing in *Total Girl* should only have bare and natural looking make-up. No lipstick or heavy eye make-up is to be used.

Models: *Total Girl* uses a variety of girls to model in its pages. They are always natural, healthy-looking, and age-appropriate.

Body Image: *Total Girl* does not encourage negative body images, but always talks about self-respect and self-confidence.

NB: All girls photographed are given written consent by their parents.

From the information provided, it appears that no guidance is given as to the appropriateness or otherwise of feature articles teaching girls of primary school age to dance in sexually provocative ways, or encouraging them to idolise highly sexualised

young women such as Paris Hilton, Jessica Simpson and Lindsay Lohan, or stimulating them to have crushes on adult male celebrities. It is certainly not apparent that anyone with any formal expertise in child development is employed at *Total Girl*, nor that the various risks to which premature sexualisation exposes children have been considered at any length.

Elsewhere, the editor of *Total Girl* has been quoted saying that the magazine simply gives its readers what they want:

Through regular focus groups, school visits, surveys and reader correspondence, we decide on our content based almost entirely on readers' feedback (Hutchinson 2006).

This is an evasion of normal adult responsibility to judge whether it is appropriate to give children what they ask for. Adults have a responsibility to refrain from selling sexualised material to children when they are too young to be mentally or emotionally equipped to understand the full implications of sexiness.

The response from the editor of *Total Girl* to our question about the magazine's complaints process was as follows:

[O]ur contact details are very transparent – they are available on each issue of the magazine and on our website – and we invite people to “contact us” in our masthead. The names of writers are always included on stories and all the team member's names are included on the masthead. E-mail and letters referring to complaints about content within the magazine are forwarded to me and I respond to each personally. We always appreciate feedback and take any complaints seriously. We only receive about 2-3 referring to content a year.

In the light of analysis of the content of girls' magazines and the risks for children of premature sexualisation (Rush and La Nauze 2006), this response appears quite inadequate. It suggests there is no formal complaints process. If few complaints are received, this may be due to parents who buy *Total Girl* being ignorant of the risks involved in premature sexualisation – and it does not absolve the editorial team of their own responsibility to their child audience.

4. The need for better regulation

Public discussion after the release of the Australia Institute's study *Corporate Paedophilia: The sexualisation of children in Australia* (Rush and La Nauze 2006) brought into the public arena a range of experts who confirmed the many risks to children identified in the report. Many parents and grandparents also expressed concern about the increasing sexualisation of children. Political commitment to address the issue seems likely to meet with widespread community support.

Political commitment will be necessary since the findings of risks for children detailed in *Corporate Paedophilia* met with either denial or silence from the advertisers, marketers, retailers, television producers and broadcasters responsible for producing and disseminating the sexualising material discussed in the report. Appropriate policy in this area is not easy to determine (Reichert 2003), but there are a number of options for limiting the sexualisation of children.

It is helpful to distinguish between the direct and the indirect sexualisation of children in this context. It is not possible to shield children from all exposure to representations of teen and adult sexuality in advertising and popular culture, so the indirect sexualisation of children cannot be stopped altogether. However, it could be more effectively restrained. At present it appears that all but the most explicit instances of the indirect sexualisation of children are slipping through the regulatory net.

In contrast, the direct sexualisation of children, that is, children themselves being portrayed in a sexualised way in advertising and marketing material, could be stopped altogether if the community desired it and their political representatives responded.

At a minimum, existing codes of practice for advertising, television programming and children's magazines could be amended to allow for recognition of the fact that sexualising children, whether directly or indirectly, leads to a range of risks for children (Rush and La Nauze 2006). To increase the force of such recognition, it could be emphasised that any individual instance of the sexualisation of children takes place within advertising and popular culture that is already highly sexualised. At the same time, a range of other social changes also threaten children's healthy development (Palmer 2006). Those administering the codes of practice may benefit from specific training in order to better understand what constitutes the sexualisation of children and what the risks of such sexualisation are. A team of Australian experts in relevant areas could prepare a suitable training package.

However, it may be preferable to go beyond a minimal approach such as that just described. The difficulties involved in changing the culture of existing organisations are well known. In addition, current trends suggest that regulation of the media would now be more effectively undertaken by a single organisation. Traditionally, different media have operated as distinct forms and could thus be regulated by separate organisations. Today, technological developments, including but not limited to the increasing use of the Internet as a source of information and entertainment, mean that the media environment is much more complex and traditional regulatory organisations for different media cannot easily adapt to this. According to ACMA's chief executive

officer, Chris Chapman, this complexity and ‘blurring’ of traditional boundaries makes ‘regulatory convergence’ an emerging issue (Chapman 2006).

As changing media modes highlight the desirability of restructuring the current regulatory environment to bring all media regulation together under the one organisation, an opportunity will arise to address the sexualisation of children. An encompassing office of media regulation would necessarily be large and complex, and there would be plenty of scope within it to include a division with the primary responsibility of protecting children’s interests in the contemporary media environment. Part of this task would involve stopping the direct sexualisation of children and limiting the indirect sexualisation of children in all media modes.

With oversight of all media modes – including television, print and outdoor advertising and children’s magazines – a children’s division within an encompassing office of media regulation would be well aware of the wide range of sexualising material to which children are exposed on a daily basis. The risks children face as a result of premature sexualisation slip through the case-by-case approach currently used by media regulators. Children rarely suffer harm as a result of exposure to a single case of sexualising material of the type discussed here. Rather, harm is caused by cumulative exposure to sexualising material from a range of sources. In particular, sexualised images of children condone the impression that society accepts that children are sexual objects.

Ideally, such a children’s division would be partly staffed by experts in areas relevant to the potential harms caused by the premature sexualisation of children, for example, child psychology, paediatrics, primary teaching, and criminology. This would ensure that instances of the sexualisation of children are treated appropriately, and it would also facilitate the division conducting industry and public education to raise awareness of the risks to children of premature sexualisation.

There are international precedents for giving priority to the interests of children in the area of media regulation. For example, complete bans on all advertising to children under thirteen apply in Quebec in Canada, and on all television advertising in Sweden and Norway to children under twelve (Linn 2005, pp. 218-9). Partial bans apply elsewhere. For example, Greece bans television advertising for toys between 7.00 am and 10.00 pm (Linn 2005, pp. 218-9). In the United Kingdom, bans on television advertising of junk food to children will apply from 2007 (Ofcom 2006).

With a restructure of the regulatory environment for Australian media, the establishment of a division within an office of media regulation to protect children’s interests with respect to all forms of media would acknowledge the increasing importance of media in children’s lives. In particular, it would be able to address the ways in which children are now much more heavily targeted by advertisers and marketers than they were in the past. At the same time, it would allow parents more choice about the ways in which they introduce issues related to sex and sexuality to their children. At present, unless children are kept at home with tight and constant supervision of their media consumption, that choice is being taken out of parents’ hands.

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Appendix 1 Members of the Advertising Standards Board

For membership of the Advertising Standards Board see the ASB website (<http://www.adstandards.com.au>).

Appendix 2 Summary of classification system for television content in Australia

Code	Classification	Description
P	Preschool	P and C programs are made specifically for children, are entertaining, are well produced, enhance children's understanding and experience, and are appropriate for Australian children. The P and C classifications and associated requirements aim to ensure that Australian children (defined as people aged under 14 years) have access to a variety of <i>quality</i> television programs. The holders of commercial television broadcasting licenses must broadcast at least 260 hours of C material and 130 hours of P material each year, in appropriate time slots specified by ACMA.
C	Children's	
G	General	Material classified G is not necessarily intended for children but it must be very mild in impact and must not contain any matter likely to be unsuitable for children to watch without supervision. Visual depiction of, and verbal references to, sexual behaviour must be brief, infrequent, contain little or no detail, and be strictly limited to the story line or program context.
PG	Parental guidance recommended	Material classified PG may contain careful presentation of adult themes or concepts but must be mild in impact and remain suitable for children to watch with supervision. Visual depiction of and verbal reference to sexual behaviour must be restrained, mild in impact and justified by the story line or program context.
M	Mature	Material classified M is recommended for viewing only by persons aged 15 years or over because of the matter it contains, or of the way this matter is treated. Visual depiction of intimate sexual behaviour may only be implied or simulated in a restrained way. It must be justified by the story line or program context.
MA	Mature audiences	Material classified MA is suitable for viewing only by persons aged 15 years or over because of the intensity and/or frequency of sexual depictions, or coarse language, adult themes or drug use.
AV	Adult Violence	Material classified AV is suitable for viewing only by persons aged 15 years or over. It is unsuitable for MA classification because of the intensity and/or frequency of violence, or because violence is central to the theme.

Source: For P and C classifications, ACMA (2006 and 2006a). For all other classifications, Free TV Australia (2004). Free TV Australia covers commercial licensees only. However SBS and ABC use similar classifications with similar descriptions (SBS n.d.; ABC 2004).

Appendix 3 Summary of classification zones for television content in Australia

Code	Classification	Zone (prescribed timeslots)
P	Preschool	Must be broadcast between 7.00 am to 4.30 pm Monday to Friday
C	Children's	Must be broadcast during one of the following timeslots: 7.00 am to 8.00 am school days 4.00 pm to 8.30 pm school days 7.00 am to 8.30 pm weekends and school holidays
G	General	May be broadcast at any time
PG	Parental guidance recommended	May be broadcast at all times, except during the peak viewing hours for children: 6.00 am to 8.30 am on school days and school holidays 4.00 pm to 7.00 pm on school days and school holidays 6.00 am to 10.00 am on weekends During these times only material classified as P, C or G may be screened
M	Mature	May be only broadcast in the following timeslots: 8.30 pm to 5.00 am any day 12 noon and 3.00 pm on school days
MA	Mature audiences	May only be broadcast between 9.00 pm and 5.00 am any day
AV	Adult Violence	May only be broadcast between 9.30 pm and 5.00 am any day

Source: For P and C classification zones, ACMA (2006, p. 3). For all other classification zones, Free TV Australia (2004, pp.15-16).

Note: There are some limited and specific exemptions from classification zones, for full details, see Free TV Australia (2004, pp.18-19).

Appendix 4 Full listing of complaints relating to the sexualisation of children, ABA or ACMA found broadcaster not to be in breach of code of practice, 2002-2006

Year	Station	Program	Substance of complaint
2001-2002	QTQ9 Brisbane	<i>Australian Survivor</i>	Nudity in PG time slot
2001-2002	RTQ/WIN Rockhampton	<i>Burke's Backyard</i>	Inappropriate sexual references in G time slot
2001-2002	ADS10 Adelaide	<i>Ten News</i>	Nudity in G time slot
2001-2002	NEW10 Perth	<i>Big Brother</i>	Pixilation of nudity in G time slot inappropriate
2002-2003	CTC 10 Canberra	<i>Beauty and the Beast</i>	References to prostitution inappropriate in PG time slot.
2002-2003	ATV 10 Melbourne	<i>Charmed</i>	Contained nudity inappropriate for G time slot.
2002-2003	BCV/GLV Regional Victoria	<i>Footballers' Wives</i>	Contained sexual behaviour inappropriate for G time slot.
2002-2003	BTQ 7 Brisbane	<i>Ricki Lake</i>	Inappropriate verbal references to sexual activity in PG time slot
2002-2003	QTQ 9 Brisbane	<i>Australia's Funniest Home Video Show</i>	Contained nudity in G time slot
2002-2003	ABC TV	<i>Play School</i>	Nude woman (art work by Matisse) shown in G time slot.
2003-2004	CBN Prime Canberra & Sthn NSW	Promotion for <i>Mile High</i>	Promotion showed nudity and sex scenes and was inappropriate in a G time slot
2003-2004	BTQ 7 Brisbane	Promotion for <i>Mile High</i>	Promotion showed nudity and sex scenes and was inappropriate in a G time slot
2003-2004	SBS TV	<i>Reggae: The Story of Jamaican Music</i>	PG documentary contained inappropriate sexually suggestive scenes.

Appendix 4 (continued)

2004-2005	ATV 10 Melbourne	Promotion for <i>One Tree Hill</i>	PG promotion in G time slot with references to sexual behaviour
2004-2005	ATV 10 Melbourne	Promotion for <i>Rat Race</i>	M film promoted in PG time slot depicted nudity
2004-2005	GTV 9 Melbourne	<i>The Wedding Singer</i>	PG classified movie contained sex and other elements in excess of the PG classification level.
2004-2005	BCV/GLV Western Victoria	Promotion for <i>There's Something About Miriam</i>	M program promoted in G time slot depicted partial nudity and references to sexual behaviour
2004-2005	VTV Regional Victoria	<i>Drop Dead Gorgeous</i>	PG classified movie contained obscene language and sexual references in excess of the PG classification level.
2004-2005	TVQ 10 Brisbane	<i>Neighbours</i>	G program contained adult sexual references and adult themes
2004-2005	TVQ 10 Brisbane	<i>Queer Eye for the Straight Guy</i>	PG program contained sexual behaviour and adult themes.
2004-2005	TVQ 10 Brisbane	Promotions for <i>Just Shoot Me</i> and <i>Newlyweds</i>	PG programs promoted during G movie depicted strong sexual references.
2004-2005	TVQ10 Brisbane	<i>There's Something About Miriam</i>	M program promoted in G time slot depicted nudity and sexual references
2004-2005	NEW 10 Perth	<i>Video Hits</i>	Video Clip of 'Goodies' by Ciara featured sexual behaviour and clothing in G time slot
2004-2005	ATV 10 Melbourne	Promotion for <i>One Tree Hill</i>	PG promotion in G time slot with references to sexual behaviour
2004-2005	ATV 10 Melbourne	Promotion for <i>Rat Race</i>	M film promoted in PG time slot depicted nudity

Appendix 4 (continued)

2005-2006	TEN Sydney	<i>Big Brother – Live Surprise</i>	Nudity during PG time slot (with consumer advice warning)
2005-2006	TEN Sydney	<i>Big Brother</i>	Inappropriate nudity and sexual behaviour during PG time slot
2005-2006	ATV Melbourne	Promotion for the 2005 International Comedy Festival	Inappropriate sexual references during G time slot
2005-2006	TVT Tasmania	Promotion for <i>Analyse That</i>	Inappropriate sexual themes and nudity during PG time slot
2005-2006	ABW Perth	<i>Roller Coaster</i>	Two females depicted in a sexually suggestive way – excessive for a G rated program
2005-2006	SBS Regional Queensland	<i>Faust</i>	‘M’ rated program broadcast in a ‘PG’ time zone featured nudity
2005-2006	SBS Brisbane	<i>The Movie Show</i>	Inappropriate content (sex and nudity) during PG time slot

Source: ABA Annual Reports (2001-2002 – 2004-2005 inclusive) and ACMA Annual Report 2005-2006.



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