

COMPLAINT NUMBER	21/191
INFLUENCER	@lovefromyourdads
ADVERTISEMENT	@lovefromyourdads, @girlsgetoff, Instagram
DATE OF MEETING	19 April 2021
OUTCOME	No Grounds to Proceed

Advertisement: The Influencers @lovefromyourdads, posted a video and blog advertisement promoting a give-away offer for @girlsgetoff Missy Mini vibrators. The video shows the vibrator in various settings and includes a child in the background. The 'Dear Frankie' post explains how the child had found a number of sex toys and the parent's ethos of talking openly about sexual matters.

The Chair ruled there were no grounds for the complaint to proceed.

Complaint: Love from your dads are running a giveaway for a "Missy Mini" - a personal vibrator by the company "Girls Get Off" - obviously an adult product, designed for adult entertainment. However, the couples 2 year old child features regularly in the video advertising this giveaway, which is so inappropriate. (See Rules 1c and 1d of the code.)

The relevant provisions were Advertising Standards Code - Principle 1, Rule 1(c), Rule 1(d);

Principle 1: Social Responsibility: Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.

Rule 1(c) Decency and Offensiveness: Advertisements must not contain anything that is indecent, or exploitative, or degrading, or likely to cause harm, or serious or widespread offence, or give rise to hostility, contempt, abuse or ridicule.

Rule 1(d) Exploitation of Children and Young People: Advertisements must not portray or represent anyone who is, or appears to be, under 18 years old in any way that is exploitative or degrading or inappropriate for their age.

The Chair noted the Complainant was concerned the advertisement inappropriately featured a child in a promotion for an adult-themed product.

The Chair carefully reviewed the advertisements and noted the Instagram posts were part of an ongoing series of posts under the "Dear Frankie" theme.

The Chair said context and placement played an important part in her ruling. She noted the Advertiser's brand identity was to use the "Dear Frankie" theme, as if they were directly addressing their messaging to their young son.

The Chair said the fact the advertisement appeared on Instagram where the likely audience had chosen to follow the Advertiser's parenting ethos and were aware of their content and

tone, meant the advertisement was unlikely to offend its target audience. The Chair said the Advertiser's views on being open when discussing sexual matters provided further context for the advertisement.

Rule 1(c) of the Advertising Standards Code required the Chair to consider whether the child's inclusion in the advertisement, in this context was likely to cause serious or widespread offence in light of generally prevailing community standards. The Chair said that despite the Complainant's objection to the advertisement, it did not reach the threshold to cause serious or widespread offence for most consumers.

Rule 1(d) of the Advertising Standards Code required the Chair to consider the advertisement exploited a young person under the age of 18 years old. The Chair said while she understood not all consumers would agree with the parenting ethos presented by the Advertiser, there was no exploitation shown in the advertisement which would breach Rule 1(d) of the Advertising Standards Code.

The Chair said that taking into account context, medium, audience and product, the advertisements did not reach the threshold to breach Principle 1 or Rules 1(c) and 1(d) of the Advertising Standards Code.

The Chair ruled there were no grounds for the complaint to proceed.

Chair's Ruling: Complaint **No Grounds to Proceed**

APPEAL INFORMATION

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website www.asa.co.nz. Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.