

The protection of children is one of the most important parts of the law as they are one of the most vulnerable groups in society. The law defines an underaged person or minor, as anyone under the “age of maturity”. That would be anyone under the age of eighteen years old, in which case they need to be in the care of a parent or legal guardian. The law makes this distinction between minors and adults because being a minor means that you are treated differently in the eyes of the law. Punishments in criminal cases, ownership of property, and privacy of official records are all handled differently when it involves a minor (Cornell Law School, n.d.). In the fashion industry it is common for minors to be working campaigns and runway shows that are for adult women’s apparel. The fashion industry has an obsession with youth and making women want to look young and thin. The industry uses these underaged models to push this image onto women, a model who is fourteen years old is going to be thinner and have an easier time staying thin compared to a thirty year old model. The problem is when underaged models are working they are often put in environments that are inappropriate for someone so young. While there are laws that protect children workers and establish their rights, more needs to be done to specifically target how young models are used in the fashion industry. Minors shouldn’t be used by fashion brands where they are being exposed to mature themes, exploited, and treated as though they are adults.

One of the ways in which fashion brands exploit underaged models is through the mature themes they create for their photoshoots. Young models are often used in fashion photoshoots which have themes that are overally sexual and too mature for them to be involved in. An

example of this can be seen with underaged model Hailey Clauson who at seventeen years old was doing a photoshoot for a fashion magazine that was extremely inappropriate. The photoshoot included images of Clauson who was a minor at the time with nude former porn stars and images of her being choked (Bell, 2012). Although in this case the model was close to being eighteen, in the eyes of the law she still fits into the category of a minor. Although it can be argued that the model was fully dressed in designer clothing so she was technically not being exposed, she was still surrounded by nude adults. This is not an environment for a minor to be in even if it is for a job, because no one would ever want their own child to be taking photos with fully nude adults. This was done with the intent to be artistic and to be an attention grabbing editorial but photoshoots such as these need to be weighed to measure just how appropriate they are for minors to be involved in. When photographers or fashion brands know an underaged model is going to be involved in their project they need to make an effort to ensure the model is coming into an age appropriate work environment. The difficult part of this is that there isn't anything specifically outlined in the law to prevent a model such as Clauson from being used in the images such as these. This makes it so much easier for photographers and brands to take advantage of young models in the industry and use them in sexually explicit photoshoots if they want to without any repercussions. Without strict regulations it's difficult to control the work environment that minors are being placed in because brands know that there is nothing that will happen to them if they use underaged models.

Another way in which underaged models are exploited in the fashion industry besides in photoshoots is during runway shows. Fashion brands will often use minors to walk in shows for their adult women lines because they are thin and push an image of the perfect or ideal body. Models working these shows are put into whichever outfits the designer wants them to and will

not have much say in their look. A young model can be put into a mature or inappropriate outfit because they are modeling an adult clothing line not a junior's clothing line. An example of this can be seen in the Christian Dior Fall 2015 Couture show, where fourteen year old model Sofia Mechetner was on the runway in a revealing outfit. She was put into a see-through top with nothing underneath covering her chest, yet she was only fourteen years old (Avila, 2015). At only fourteen years old Mechetner was completely exposed and being watched by adults as she was pretty much topless. Legally, there was no reason that Dior couldn't put her in this outfit and as a young model it's unlikely she would have said no to a huge brand such as Dior. This was done in the name of fashion and it was hopefully not the intent to take advantage of a young girl, but in the end it was inappropriate for a minor. A fourteen year old girl should not be wearing a top where her chest is completely exposed, this was another instance where the designer should have taken into consideration the models young age and dressed her in something else more age appropriate.

With young models such as Hailey Clauson and Sofia Mechetner being exploited by the fashion industry in photoshoots and runway shows it's important to also take a look at the current laws in place that are supposed to protect minors who work in the industry. The Child Model Act of 2015 was legislation passed by New York state which officially added child models to the definition of performers which they previously weren't a part of. By doing so this allowed minors who were models to finally be able to receive the same protections as an underaged actor or underaged singer from the Child Performers Protection Act. This was a major step in the right direction in protective legislation for underaged models because The Child Performers Protection Act does a lot to protect young workers. An important part of this legislation is where it outlines steps that anyone employing a minor must follow. Regulations such as being, "In possession of a

certificate of eligibility to employ child performers. Make sure child models have valid work permits on hand. Keeping documentation evidencing models' trust accounts" (The Child Performers Protection Act, 2013). This legislation did a lot to protect underaged models in a working sense where their rights as an employee were established. Ensuring they have proper work hours, their finances are taken care of, and all of the paperwork must be filled out prior to the model arriving on set to work. Unfortunately it did not do much of anything to outline regulations for how the models are used or help to establish appropriate working environments. Although there is no denying how important this legislation is when it comes to protecting young models in the industry, there are still fashion brands getting away with taking advantage of young workers. There needs to be legislation where underaged performers are protected from exploitation and mature environments because there is no reason why someone so young should be exploited in such a way that many young models are. The two cases which were previously discussed are both situations which minors should have not been put in yet there isn't much that the current legislation can do to prevent such situations from happening again.

One of the most effective parts of giving models the protections of The Child Performers Act of 2013 was the increased amount of paperwork for designers to fill out if they chose to use a minor in their runway show or photoshoot. "For these models, this means earlier bedtimes, easier hours and lots of paperwork. For designers who want to use an underage model, the law has created a logistical challenge" (Koblin, 2014). An extremely effective part of this legislation is creating the extra paperwork that needs to be completed when hiring a minor because the extra work required may deter designers from choosing to hire a minor. This shows how simple changes such as adding some extra paperwork can make such a difference in protecting minors in the modeling industry. Something as basic as extra paperwork has served as an effective way to

prevent designers from hiring underaged models simply because it is now easier to just hire a model who is eighteen or older. This creates hope that there can be even more effective legislation passed in the future to go even further to change the modeling and fashion industry.

The people who have the most power when it comes to protecting underaged models are the big name luxury fashion brands. In recent years many high end fashion brands have promised to stop using underaged models for runway shows and photoshoots. Luxury brands such as Gucci, Alexander McQueen, Balenciaga, and Saint Laurent have all promised to stop hiring underaged models without any legislation forcing them to do so. The CEO François-Henri Pinault released a statement saying, “As a global luxury group, we are conscious of the influence exerted on younger generations in particular by the images produced by our Houses... We believe that we have a responsibility to put forward the best possible practices in the luxury sector and we hope to create a movement that will encourage others to follow suit” (Pinault, 2019).

Although legislation hasn't been able to directly tackle this issue, the pressure from consumers through social media has helped push brands to make these promises and make changes about who they hire. Having major brands take action on their own is a major victory for the protection of young models in the fashion industry. The major brands are ultimately the ones who have the power to end this issue because they are the ones who make the decisions on who to hire and how they treat the models they hire. This will hopefully help other brands to follow their lead and create positive change in the fashion industry.

Another part of this issue is the power dynamic between young models who are just starting out in the industry and the major luxury fashion brands they are working for. When you are beginning a career you want to take any opportunities that may come your way in order to maximize your chances of being successful and making money. The high end fashion brands

hold the power to make someone famous and put them on the map in the fashion industry. Landing a job with a brand like Gucci or Dior is a dream for a lot of models. With all of the power in the hands of these brands it puts models in a tough position where they may not want to stand up for themselves because they don't want to risk their chances of getting famous and getting to work with other big name brands. Young models are the ones least likely to voice their opinion not only because of their age but because they are new to the industry and want to maximize their chances of becoming a well known model. It's unlikely that a young model is going to speak up and say that wearing a certain outfit makes them uncomfortable or the photoshoot theme makes them uncomfortable. The power dynamic makes this issue even more complex and dangerous. The careers of young models are placed in the hands of these brands and it makes it difficult for someone to speak up for themselves (Ziff, 2015). A solution to this would be passing legislation that lays out stricter regulations of the environment an underaged model can be working in. If the legislation states that minors working in the industry can not wear clothing that exposes them and there needs to be measures taken to ensure safety if the model is going to be working with an adult on a photoshoot, it removes that power dynamic. The model doesn't need to voice their concerns because the law will be there already addressing their concerns. The major fashion brands would have to now listen to the law and they can't threaten the career of a young model because the model isn't the one coming up with the regulations.

There has been a positive response from some of the major luxury fashion houses who have promised to stop using underaged models. Designers are noticing that using models who are eighteen or older makes no difference in the presentation of their designs on the runway or how their photoshoots turn out. A casting director for brands such as Jason Wu, Derek Lam, and Tom Ford states, "You know, they weren't just 18-year-olds, either. A lot of these girls were

really ranging between 20 and 24 years old, and I didn't find the aesthetic looked any different from when they were 15. So it does prove that this can be done" (Scully, 2014). As more brands realize that casting someone who is twenty years old versus someone who is fifteen will make no difference in displaying the fashion designs, hopefully it will lead to a major shift in the modeling industry. The goal would be that women's wear is modeled by adult women, and junior's fashion is modeled by teenagers. As more brands change the way they cast for their fashion shows the more it can be ensured that minors can be protected and work in age appropriate environments.

As I have stated throughout my writing I believe that there needs to be more done to protect underage models, and I believe that there are several measures that can be taken to create stricter regulations that will actually protect underage models in the fashion industry. The modeling industry can be difficult to navigate as an adult so as a minor trying to navigate it can be even more difficult and confusing. Young models are expected to act and dress as adult women when in reality they are just teenagers, which leaves them vulnerable to be used and exploited by big name fashion brands and photographers. It's important that legislation outlines ways to protect underage models and ensure that fashion brands can't take advantage of them. Even with the legislation currently in place there is still more that needs to be done to protect these children because even though they are old enough to work they are not old enough to be in sexually explicit photoshoots. First, if there were more brands such as Gucci and Balenciaga who take matters into their own hands and just promise to not use anymore underage models it would do a lot for the industry. If legislation can't get passed to protect young models, big brands hold the power to create change by promising to do better. Besides this when models are signed to an agency or given a contract to work an event or photoshoot there should be in writing that the

model can not wear clothing that exposes them or be around other nude models. Legislation needs to be passed to enforce that brands have strict contracts when working with underaged models to ensure they are working in an environment that is as age appropriate as possible. Having this become a mandatory part of all underaged models' contracts will also ensure that the model feels no pressure from the brand or photographer to do anything they are uncomfortable with. By doing this it is the law that creates the strict regulations which avoid the young models from feeling as though they can't speak up. This way young models don't have to be placed in a situation where they feel they can lose their job because the designers and photographers will know that the laws are creating these boundaries, it removes any sort of unbalanced power in the relationship between the model and the fashion brand. The models and they don't have to feel intimidated by anyone and it removes the power that these high end brands have over young models. Although the current laws are effective in other ways they need to be adjusted to further protect the environment underaged models are working in in the fashion industry.

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