



Case Report

1	Case Number	0020/12
2	Advertiser	Unilever Australasia
3	Product	Food and Beverages
4	Type of Advertisement / media	Billboard
5	Date of Determination	08/02/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

Image of a woman wearing a nude coloured swimsuit cuddling a large teddy bear. There is a beach vista in the background and the text reads, "New Cornetto Enigma. Your soft side is irresistible. Try it" and there are two images of Cornettos to the right of the wording.

THE COMPLAINT

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

The advertisement overtly sexualises women. The image of the woman would be more appropriate for the cover of a men's magazine. It seems obvious that the advertiser is targeting young men but as children also eat ice cream it seems extremely inappropriate to use sex to sell them.

THE ADVERTISER'S RESPONSE

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

We note that due to the varying sizes of billboards across the country, there are in fact 16 different versions the relevant billboard advertisement based on largely the same imagery. We note the complainant's location in Queensland, we enclose digital copies of the four relevant advertisements shown in Queensland.

The complaint

The complaint claims that the advertisement overtly sexualises women and inappropriately uses sex to sell ice cream to children.

We comment as follows:

The Code of Ethics

We note advice from the ASB that the new Code of Ethics introduced on 1 January 2012 will be applied in the present determination, despite the advertisement being developed and published prior to the introduction of the new Code of Ethics.

Clause 2.4 of the AANA Code of Ethics, which states:

“Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.”

Further, the Code of Ethics also applies Prevailing Community Standards to the above section:

“Prevailing Community Standards means the community standards determined by the Board as those prevailing at the relevant time in relation to Advertising or Marketing Communications. Prevailing Community Standards apply to clauses 2.1 – 2.6 below. The determination by the Board shall have regard to Practice Notes published by AANA and any research conducted by the Advertising Standards Bureau.”

The relevant section of the Practice Note states:

“Images which are not permitted are those which are highly sexually suggestive and inappropriate for the relevant audience.”

We note that the relevant advertisement is a billboard advertisement. The relevant audience of billboard advertising are all people that are likely to see the billboard. The ASB has made numerous decisions on billboard advertising and has consistently applied the same “relevant audience” to all decisions.

We note the complainant's reference to children in the complaint. We also note that references to children are made in numerous similar billboard complaints received by the ASB. Whilst the ASB has previously noted that children may be part of the audience for billboard advertising, the ASB had consistently applied the Code of Ethics with respect to the “relevant audience” without specific reference to any special standard for children, except where advertisements can be said to be targeting children (discussed later).

We note the complainant's concern that ice cream is consumed by children. We submit that the relevant sections of the Code of Ethics do not make any distinctions based on the type of product advertised except for the purposes of assessing the relevant audience or Prevailing Community Standards.

The imagery used

We note the complainant's concerns that the image of the woman in this advertisement is overtly sexualised. We do not believe that this is the case.

We note that the woman is wearing a one-piece bathing suit which fully covers all “intimate areas” of the body. In fact, the bathing suit covers more of the body than most bikini swimwear, which is undoubtedly reasonable and acceptable in Australia as clothing worn in public, including public beaches where children are commonly present.

The image of the woman was carefully selected for use in this advertisement whilst considering the requirements under the AANA Code of Ethics.

We note the Board's recent decision in case 0374/11 relating to an advertisement for shoes in response to a similar complaint for an advertisement which also depicted a woman wearing a

bathing suit. Whilst 0374/11 was determined under the previous Code of Ethics, it is important to note that the ASB concluded that the advertisement was not sexualised, despite the woman being shown in a swimsuit in a pose that was determined to be “mildly sexually suggestive”.

In comparison to the imagery used in 0374/11, the woman in the present advertisement is shown in similar attire whilst standing in a less suggestive pose. For the purposes of consistency, we submit that on the basis of 0374/11, the imagery used in the present advertisement could not be considered sexualised.

Further, we note that the woman is not the focus of the advertisement with the product shot, Cornetto Enigma logo and the bear being emphasised more than the woman.

Summer / beach themes

Ice cream products are, by their very nature, summer products which are generally sold and advertised using themes and visuals commonly associated with summer. It is an intrinsic part of Australian culture that the beach, warm weather and swimsuits are associated with summer themes.

We also note that, whilst not integral to the summer / beach theme, some versions of the advertisements (those for display on taller billboards), show that the bear and the woman are standing next to a pool.

The Cornetto Enigma product has been promoted through a campaign on TV, online and various other media with a consistent theme of warm weather and summer beach activity. The themes and visuals of ocean, palm trees and swimwear in this billboard continue the consistent summer / beach theme used throughout the campaign.

Consistency with advertising message

The target consumer group for the advertised product is 18-25 year old consumers. The advertising message used throughout the campaign focuses on “your soft side”, which is used as a pun to reference both the consumer’s inner soft side as well as the soft centres of the various Cornetto Enigma products.

A large, soft bear is used consistently throughout the campaign to physically represent the “soft side”. In conjunction with the phrase “Your soft side is irresistible. Try it”, the bear is used to communicate that the soft centre of the Cornetto Enigma product is as irresistible as the soft bear. A model is used to communicate the irresistible nature of the bear, consistent with the overall message of the whole campaign.

Advertising to Children

We note that complainant raised the concern that children consume ice cream. We note that the ASB has not raised concerns over compliance with the Code for Advertising and Marketing Communications to Children or the RCMI, however we feel it is necessary to briefly mention that the advertisement does not target children.

In order for these children’s advertising codes to apply, the advertisement must be for “Product” as defined under these codes to mean: “goods, services and/or facilities which are targeted toward and have principal appeal to Children”.

We note that Cornetto Enigma is not a Product with principle appeal to children under 14. As mentioned above, the target audience for the Cornetto Enigma product is aged 18-25. The children’s advertising codes therefore do not apply.

In any event, the themes, visuals and language used in the advertisement cannot be said to be directed primarily at children. As demonstrated by the ASB’s decision in case 0429-10, the mere depiction of a toy in an advertisement does not deem the advertisement to be targeted at children. We note that bears have broad appeal throughout various age groups, not just children, and in the context of the abovementioned advertising message, the bear is used to appeal to the target audience of 18-25 to impart the appeal of softness. We note that Streets Cornetto Facebook page demonstrates the broad appeal of the bear with over 68,000

“Likes” and a substantial number of comments in relation to the bear from Facebook users, the majority in the target audience of 18-25.

In conjunction with the ocean, beach and palm tree themes, the advertisement is clearly directed at a mature audience.

Compliance with other relevant standards

Unilever is confident that the advertisement satisfies all requirements under all relevant standards. We note that no other issues were raised in the complaint. Should the Board consider that there are other serious issues to be considered, we request the opportunity to formally respond to those concerns.

Approvals

Unilever is a responsible advertiser and has numerous internal review processes, including review by Unilever’s Legal, Nutrition and Corporate Relations Departments to critique all advertisements to ensure compliance with legal and ethical considerations.

Conclusion

We submit that we are not in breach of the terms of the AANA Code of Ethics.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Board noted the complainant’s concerns that the advertisement shows an image of a woman which is sexualised and inappropriate.

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

The Board considered whether the advertisement complied with Section 2.4 of the Code. Section 2.4 states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience”.

The Board noted that the advertisement features a woman in a swimsuit cuddling a large teddy bear and that the setting has a beach/tropical feel. The Board noted that it is not inappropriate to show a woman in a swimsuit for a product associated with summer and considered that the woman’s private areas are adequately covered and she is not in a sexualised pose or presented in a sexualised manner.

The Board noted that the relevant audience for the billboard would include children, however in the Board’s view the advertisement is not sexualised and is appropriate for children to see.

The Board considered that most members of the community would not find the advertisement inappropriate and that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and that it did not breach Section 2.4 of the Code.

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

