



Case Report

1	Case Number	0001/12
2	Advertiser	SCA Hygiene Australasia
3	Product	Toiletries
4	Type of Advertisement / media	Internet
5	Date of Determination	18/01/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Gender

DESCRIPTION OF THE ADVERTISEMENT

The advertisement in question depicts a drag queen and a woman in the bathroom of a nightclub or bar taking part in a friendly duel. The woman touches up her mascara and the drag queen does the same, she then touches up her lip gloss and the drag queen does the same, she then fixes her bra, the drag queen does the same, she then trumps the drag queen by pulling out her Libra tampon and giving the drag queen a cheeky smile. The drag queen knows he can no longer win the duel and walks out of the bathroom. The voice over at the end of the advertisement states 'Libra Gets Girls'. The core message for the ad is that Libra understands women and their personal hygiene needs. The bathroom duel is therefore a humorous and cheeky demonstration aimed at conveying our 'Libra Gets Girls' message.

THE COMPLAINT

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

The ad mocks trans-women portraying them as obsessed with femininity (suggested by the use of makeup etc) but ultimately failing to be convincing as "real" women. The ad also portrays trans-women as being "fake" women and that they should be mocked/laughed at. It also subtly suggests that trans-women should not use women's bathrooms.

The commercial implies that the "real" woman says to the transgendered I'm real you're not. Totally inappropriate, hurtful, outrageous, unnecessarily wounding. I'm not transgendered but those who are and have a fervent wish to be a woman could be seriously affected by this commercial. It is so out of touch with the sensitivities of gender diversity that it sends out a

negative and astonishingly misinformed commentary about transexuality. It is extremely abusive and should be immediately banned.

This advertising perpetuates hate toward transwoman.

This ad should be pulled as it reinforces damaging stereotypes.

The whole ad is just horrible. It's ridiculous that this is being shown in 2012.

This ad in which a cisgender woman pokes fun at a trans woman for not menstruating. It sets up a divide between those who menstruate as "real women" and those who don't as fake ones. It also plays into the idea that trans women can only want and fail to emulate a very particular kind of appearance through the competition with makeup and such. As a cis woman who menstruates I really don't feel comfortable being positioned as somehow more legitimate than people who suffer serious discrimination and violence for who they are and whose gender identity is not a joke. I also find it offensive that only women who menstruate are positioned as real women as this discriminates against people with an illness or disability or their age which prevents them from menstruating.

The ad implies that transwomen aren't real women. If this is so then women who have been through menopause mustn't then be real women anymore. And women who've had procedures after medical problems and no longer menstruate aren't real women anymore. It not only perpetuates the myth that women need to compete against each other; it also suggests that to be a "girl" you have to menstruate.

THE ADVERTISER'S RESPONSE

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

As mentioned in your email, the complaints raise issues covered by Section 2 of the AANA Advertiser Code of Ethics ("AANA Code").

The advertisement in question depicts a drag queen and a woman in the bathroom of a nightclub or bar taking part in a friendly duel. The woman touches up her mascara and the drag queen does the same, she then touches up her lip gloss and the drag queen does the same, she then fixes her bra, the drag queen does the same, she then trumps the drag queen by pulling out her Libra tampon and giving the drag queen a cheeky smile. The drag queen knows he can no longer win the duel and walks out of the bathroom. The voice over at the end of the advertisement states 'Libra Gets Girls'. The core message for the ad is that Libra understands women and their personal hygiene needs. The bathroom duel is therefore a humorous and cheeky demonstration aimed at conveying our 'Libra Gets Girls' message.

The advertisement was created with the intention of being humorous. It was aimed at appealing to the sense of humour of our target market, which is women aged 18 – 25. Before the TV advertisement was produced, the concept was qualitatively researched with members of our target market. The concept researched very positively, particularly on humour and entertainment measures. The ad in no way contravenes to the AANA Code of Ethics as it does not discriminate against or vilify drag queens or transvestites.

The majority of complaints received relate to the following issues: women who have never or no longer get their period as a result of a range of medical reasons as well as complaints from the transgender community that the commercial is demonstrating bigotry and is discriminatory.

As mentioned above, the TVC in no way contravenes section 2.1 of the AANA Code as it does not portray people or depict material in a way which discriminates against or vilifies women who no longer menstruate. Whilst Libra acknowledges that some women do not get their period for a range of reasons, we are specifically targeting those women who already use tampons or may need to use tampons in the future. Please note a lot of the commentary has been positive also for women who would be classified in the aforementioned.

In regards to the concerns of the transgender community, this is also much divided and would seem to be the very vocal opinion of select people. As stated above, the advertisement does not contravene section 2.1 of the AANA Code. Furthermore, Libra does not discriminate in the provision of its personal hygiene products to consumers. Its products are available to anyone that requires them or anyone that chooses to use them. The drag queen that appears in the commercial was carefully selected to ensure authenticity, and is currently a performer. The drag queen is an openly gay male who performs as 'Sandee Crack' at many events and clubs around Melbourne. The intended comparison in our ad is between a woman and a man dressed as a woman. Our end line of 'Libra get girls' in no way qualitatively defines who 'girls' is referring to, other than the Drag Queen depicted in the advertisement not being able to use a tampon (for anatomical reasons) as she is a man – Libra believes that this has been a key misinterpretation of the ad. Nor does the advertisement make any value judgments about what constitutes a "real" woman. The intended message of the end line is that Libra understands women's personal hygiene and menstruation needs.

We would like to confirm that these complaints make up a minority and therefore don't form the opinion of the prevailing majority. That said, we regret that anyone has been offended, but we do not believe the advertisement in question breaches Section 2 of the AANA Advertiser Code of Ethics.

The commercial has not appeared on television in Australia yet. It has appeared in cinema and online in social media including Libra's Facebook page, Libra's website on You Tube. It has not appeared in any paid online media. A print adaptation of the ad is currently appearing in selected bathrooms as door wraps and posters.

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 complainants' concerns that the advertisement is discriminatory towards transgender people and that it insinuates that women who do menstruate are not women.

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

The Board considered whether the advertisement was in breach of Section 2.1 of the Code. Section 2.1 of the Code states: "Advertising or Marketing Communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief."

The Board noted the advertisement features a man dressed as a woman in a female bathroom environment, however there is no way of determining whether they are representative of drag queens or transgender women. The Board noted the advertiser's response that the advertisement features a drag queen and not a transgender woman. The Board noted that transgender issues are serious and considered that although some of the complainants have identified the actor in the advertisement as representing transgender women, in the Board's view it is not clear whether it is a drag queen or a transgender woman and that the attention of the advertisement is to focus on the lighthearted rivalry between the two people in the bathroom.

The Board noted that the use of a man dressed as a woman was intended to make the advertisement lighthearted and humorous and considered that the overall tone of the advertisement is of exaggerated one-upmanship clearly communicated by the competition between the two 'women' to have the best breasts, longest eyelashes or best lips. The Board considered that the advertisement does not demean women who do not menstruate, nor does it demean or vilify transgender people and does not vilify men who dress as woman.

The Board noted that some complainants were concerned with the tagline of the advertisement, "Libra gets girls", and considered that this message was appropriate for a company who make sanitary products and it was not intended to convey that women who do not menstruate are not 'real women'.

Based on the above the Board determined that the advertisement did not discriminate against or vilify any section of the Community and that the advertisement did not breach Section 2.1 of the Code.

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