



**ADVERTISING
STANDARDS
BOARD**

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Case Report

1	Case Number	0007/16
2	Advertiser	Coty Australia Pty Ltd
3	Product	Toiletries
4	Type of Advertisement / media	Cinema
5	Date of Determination	10/02/2016
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The Advertisement depicts a glamorous woman wearing a little black dress rolling on top of a rug on the floor with the perfume bottle in her hand. She is seen laughing with her eyes closed while skimming the bottle over her face and body, and at one stage bites down on the chain of the bottle cheekily. Sultry music is playing in the background of the ad. The only words spoken are at the end of the Advertisement "Marc Jacobs Decadence. The new fragrance for women."

THE COMPLAINT

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

The advertisement was shown prior to a movie marketed to young children i.e The Good Dragon which was rated PG. I was there with my grandsons aged 8 and 5. It was highly inappropriate for young children who could not have been the target market for this product.

THE ADVERTISER'S RESPONSE

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

Complaint Reference Number: 0007/16 Coty response to ASB re complaint made in relation to Marc Jacobs Decadence TVC (the Advertisement) in cinema. This response is made by Coty Australia Pty Limited (Coty), the distributor of Marc Jacobs Fragrances in Australia. Background Marc Jacobs Decadence (the Product) is a new sensual, luxurious, woody fragrance in which the bottle is inspired by an iconic handbag shape. The Advertisement depicts a glamorous woman wearing a little black dress rolling on top of a rug on the floor with the perfume bottle in her hand. She is seen laughing with her eyes closed while skimming the bottle over her face and body, and at one stage bites down on the chain of the bottle cheekily. Sultry music is playing in the background of the ad. The only words spoken are at the end of the Advertisement "Marc Jacobs Decadence. The new fragrance for women." The Complaint The specific concern raised by the complainant is that the Advertisement was shown prior to a PG movie marketed to young children (The Good Dinosaur). The complainant deemed it inappropriate for young children who are not the target market for the product. The AANA Code of Ethics The ASB has identified that section 2.4 of the AANA Code of Ethics (Code of Ethics) may have been breached by the Advertisement. Coty has carefully reviewed and considered the complaints made about the Advertisement under the Code of Ethics and specifically sections 2.4. Section 2.4 Coty does not believe the Advertisement breaches section 2.4 of the Code of Ethics. Section 2.4 states that any advertising or marketing materials shall treat sex, sexuality and nudity with sensitivity with regards to the relevant audience. In line with the AANA Code of Ethics Practice Note (Practice Note), we confirm that the Advertisement does not contain sex, sexuality or nudity; nor are there any images or depictions as described within the Practice Note whereby they are not relevant to the Product. Placement of the Advertisement With reference to the requirement that any advertising and marketing communications of this nature be treated with sensitivity to the relevant audience, we note the complainant viewed the Advertisement during the PG rated "The Good Dinosaur" at Hoyts Cinema Fremantle Perth on the 27th of December, 2015. Unfortunately, it was due to human error from Val Morgan Cinema Network that has resulted in the Advertisement being aired before the showing of this movie. In regards to the movie allocations for this Advertisement, films with a rating of M or above were targeted for placement. Conclusion Due to a once-off human error in which the Advertisement was shown prior a PG rated movie targeted at children, Coty respectfully requests that this complaint should be dismissed as the Advertisement does not contain any sex, sexuality or nudity.

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 depicts a woman posing in a sexually suggestive manner and is not appropriate in the context of the relevant audience of a PG rated movie. The Board viewed the advertisement and noted the advertiser's response. The Board then considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience". The Board noted this cinema advertisement for Marc Jacobs Decadence perfume features a female model wearing a black dress and heels, rolling around on a rug and running a perfume bottle over her face as she laughs. The Board noted that the woman is wearing a dress and considered that whilst it is very short the level of nudity is mild. The Board noted the woman's actions throughout the advertisement and considered that she is depicted in a sexualised manner which includes writhing on a floor and

running her hands over herself. The Board noted it had dismissed complaints about similar advertisements in cases 0536/14, 0012/15 and 0355/15, but noted that in this instance the advertisement had been aired prior to the movie “The Good Dragon” which is rated PG. The Board noted the advertiser’s response that the advertisement was aired in error as it was booked to run prior to M Rated movies, not PG. The Board considered that the depiction of the woman rolling on the floor is sexualised and that whilst the overall tone is artistic, in the Board’s view this sexualised content is not appropriate in the context of a broad PG cinema audience which would include children. The Board determined that the advertisement did breach Section 2.4 of the Code. Finding that the advertisement did breach Section 2.4 of the Code, the Board upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

Please note that measures in regards to complaint reference number: 0007/16 have already been taken in that the advertising has not been modified but discontinued in cinema.