



Case Report

1	Case Number	0012/15
2	Advertiser	Calvin Klein Perfume
3	Product	Toiletries
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	28/01/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The advertisement is in black and white and features a beach scene with a male and female embracing and kissing on the sand. A woman's voiceover says she has been searching for the man and that she will love him for ever and ever. We then see images of the fragrance on screen.

THE COMPLAINT

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

I was watching better homes and gardens, which is G rated. An ad comes on of a man and a woman getting very physically intimate with each other, kissing and touching each other all over. It was a scene I would expect to see in a PG or M rated movie. I was watching with my 11, 9 and 5 year old children, and I felt I had to jump in front of the tv and get in the way of the screen (I couldn't find the remote in that moment). It was totally inappropriate, and I was not expecting it, when I'm watching a 'G' rated TV show. Please explain.

THE ADVERTISER'S RESPONSE

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

The Calvin Klein Eternity fragrance television commercial is a modern interpretation of love and romance that remain core to the Calvin Klein Eternity brand DNA. The ad was produced in 2013 and aired many times without any complaints. We feel the sensual tone of the commercial is very mild compared to others in its class in 2014. Our media buy adhered to the PG rating given to us by CAD.

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 man and women being physically intimate in a manner not appropriate for viewing by children.

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

The Board 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 the advertisement features a beach scene reminiscent of the movie, “From Here to Eternity” where a couple embrace on the sand next to the shoreline.

The Board noted it had recently considered a similar complaint for the same advertiser in case 0536/14 where:

“... the Board noted that the depiction of the woman is suggestive of her being in love and considered that in the context of the name of the advertised product, Euphoria, this depiction is not inappropriate.

The Board noted that the advertisement had been rated ‘PG’ by CAD and had been viewed in a PG timeslot.

The Board noted that whilst there is physical contact between the woman and a man, whose torso is naked, in the Board’s view this contact is sensual rather than sexualised. The Board noted that we see the woman running her hands over her body including her chest area and towards her abdomen but considered that in the context of the stylised nature of the advertisement this image was consistent with fashion advertising of this nature.

The Board noted that the private areas of the woman and man are not shown and considered that the brief kissing scene is not sexualised or inappropriate for a broad audience which could include children.

Overall the Board noted that the advertisement is sexualised but considered that it was not inappropriate for the relevant PG audience.”

In the current advertisement the Board noted that the advertisement is in black and white and that the man is clothed and the woman is shown wearing either a swimsuit or a long dress. The Board noted that the couple are shown embracing and kissing but considered that whilst this is mildly sexualised the overall tone is artistic and the level of nudity is minimal.

The Board noted the advertisement had been rated 'PG' by CAD and had been viewed by the complainant in the relevant PG timeslot. The Board considered that the depiction of the couple kissing was not inappropriate in the context of a PG rated advertisement which could be seen by children.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

The Board determined that the advertisement 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.