



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0015-20
2. Advertiser :	Shiseido Fragrance Division
3. Product :	Toiletries
4. Type of Advertisement/Media :	Internet
5. Date of Determination	22-Jan-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This internet advertisement features a panning camera shot of a man in a white speedo standing on a cliff. He watches a woman in a white bikini in a boat below. He dives off the cliff then appears on the boat. He leans over to embrace and kiss the woman. A movie clapper appears in front of them and the words 'cut' can be heard.

THE COMPLAINT

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

It's disturbing. And constantly popping up. My child may see it. It makes me feel ill.

The ad is soft porn. It's offensive from start to finish. It is not even possible to scroll past it without being visually assaulted by the man's crotch as that is how the ad starts. It's an ad that my young children are exposed to inadvertently when we are reading news about the prime minister or the bush fires.



THE ADVERTISER'S RESPONSE

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

We have been informed that your agency has received complaints related to our Dolce&Gabbana Light blue campaign on smh.com.au, nine.com.au and news.com.au. The advertising is shot in Capri by famous director Mario Testino and pictures David Gandy in his swimwear, jumping off a cliff to join Bianca Balti on a raft. Light and fun, it pictures the Italian Dolce Vita.

The ad was targeting adult publications 25 to 54 year old and . Given that some of the comments mentioned an excessive amount of exposure to the ad, we would like to add that during the period of these complaints (mainly December) our frequency was an average of 3 per week.

We have also chosen to advertise the "censored" version for the Australian market, so there is no close up on the "man's crotch" at the beginning of the ad and the woman doesn't run her hand in the man's swimwear. The person referring to these scenes may have checked the full uncensored version on Youtube

THE DETERMINATION

The Ad Standards Community Panel (the "Panel") considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the "Code").

The Panel noted the complainants' concerns that the advertisement contains sexual content and is not appropriate for children to view.

The Panel viewed the advertisement and noted that the advertiser's response.

The Panel 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 Panel noted it had previously dismissed complaints about a similar advertisement in case 0258/17 in which:

"The Board noted that the advertisement depicts a man and woman kissing and considered that as the man is lying on top of the woman the kissing is sexualised. The Board noted that the woman is shown to run her hand down the man's back and in to his swimmers, revealing part of his naked buttock, but considered that this scene stops there and in the Board's view the level of nudity is not explicit and the sexualised nature of the scene is not inappropriate in the context of a stylised fragrance advertisement aimed at adults and airing on a Pay TV channel aimed at adults."



The Panel noted that the current advertisement does not feature a scene depicting the woman running her hand into the man's swimsuit, or a scene featuring a close up of the man's crotch. The Panel noted that one complainant described these scenes in the advertisement, but considered the advertiser's response that a longer, uncensored version is available on YouTube.

The Panel noted this advertisement appears as an in-story video on online news websites such as news.com.au, nine.com.au and smh.com.au. The Panel considered that the audience for such news websites would be predominately adult.

Overall, the Panel considered that the level of nudity in the advertisement was not explicit, and noted that both actors are covered until the end scene, which is blocked by the Director's Cut board. The Panel considered that the mild sexualised nature of the scene is not inappropriate in the context of a stylised fragrance advertisement aimed at adults and being broadcast in online news articles with a predominately adult audience.

The Panel considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience of online news services and 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 Panel dismissed the complaints.