



Case Report

1	Case Number	0029/13
2	Advertiser	Brazilian Butterfly
3	Product	Professional Service
4	Type of Advertisement / media	Radio
5	Date of Determination	30/01/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Ethnicity
- 2.1 - Discrimination or Vilification Race

DESCRIPTION OF THE ADVERTISEMENT

Dramatic music plays in the background while people (a man and a woman) talk about what is scary on the beach. "pasty white skin...a rogue hair". The voiceover then describes the treatments available at Brazilian Butterfly and how to get beach ready.

THE COMPLAINT

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

I am offended, disgusted and outraged that a radio advert has been allowed to be aired that refers to pale skinned people as 'disgusting' to me this is like referring to a black man being disgusting on a beach. The colour of my skin should not be referred to as disgusting..My husband for one loves pale skin, why should pressure be put on younger audiences to have a orange tan, fake tan or even feel the pressure that they have to sun baked to have a tan. People with a lighter skin tone should not be referred to in this manner. People should be encouraged to accept who they are and not feel pressured or called names for their skin colour...I for one find this extremely disturbing that such a advert has been allowed to be broadcast..I have had to explain to my 3 'pasty white skinned' children how wrong this advert is, they were even upset by this... Why has this been allowed to be aired, the person who even wrote the script should be ashamed of themselves!

THE ADVERTISER'S RESPONSE

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

We refer to the script and audio, which demonstrates that contrary to the complaint, the

- word “disgusting” was not used in the advertisement.*
- word “pale” was not used in the advertisement.*

The audio demonstrates that the context of the words was designed to be humorous.

The advertisement refers to “scary” and “pasty”. These words alone and or in context of this advertisement, in no way 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.

This is by virtue of the dialogue, music and sound effects that were used in a heightened, satirical parody the motivation people may have to use Brazilian Butterfly’s waxing services.

The content of the words used in the script together with the context and delivery of the words by the voice actors in no way 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 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 is offensive in its insinuation that pale skin is disgusting.

The Board listened to the advertisement and noted the advertiser’s response.

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray 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 that the advertisement features a voice over referring to scary things that

may be seen at the beach like “pasty white skin” or “a rogue hair”. The voice over continues to describe the facilities and services available at Brazilian Butterfly for tanning and hair removal.

The Board noted the complainant’s concerns that the advertisement refers to pale white skin on the beach as disgusting.

The Board reviewed the advertisement and was provided with the script of the advertisement. Upon reviewing the script, the Board was satisfied that in this instance the complainant has misheard the advertisement as the actual phrase used is “what’s even scarier than pasty white skin?”

The Board noted that the advertiser is well known as a tanning place and that most members of the community would consider that it is appropriate for a business offering tanning services to refer to pale skin as a means to encourage customers to use their services.

The Board noted that the advertisement played scary, suspenseful music in the background to add a lighthearted feel to the advertisement and to highlight the need to be prepared for summer and for time on the beach by visiting the salon.

The Board determined that, in this instance, that the advertisement did not depict any material that discriminated against or vilified any person or section of society. The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board then considered whether the advertisement was in breach of Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted that although the advertisement is suggesting that a tanned body is a better option than an untanned body the advertiser is not suggesting that people should sun bake or spend hours on the beach or in the sun in an attempt to get a tan. The Board considered that the promotion of tanning products that can be applied in a salon would commonly be considered a safer alternative.

The Board did not consider that this portrayal was condoning or encouraging people to seek unsafe exposure to the sun and did not depict material that was contrary to prevailing community standards on health and safety and did not breach section 2.6 of the Code.

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