



Case Report

1	Case Number	0042/11
2	Advertiser	Essential Beauty Franchising
3	Product	Professional services
4	Type of Advertisement / media	TV
5	Date of Determination	23/02/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.5 - Language - Use appropriate language
- 2.3 - Sex/sexuality/nudity - Treat with sensitivity to relevant audience

DESCRIPTION OF THE ADVERTISEMENT

The advertisement portrays an animated storybook using still vision of a character we have named Mary Huff. The content is written using spoonerism to describe Mary's dilemma. The narrator describes how Mary had a personal problem and sought the services of Essential Beauty to remedy this problem, and they 'faxed her wanny'.

THE COMPLAINT

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

The ad said men will not "GO DOWN" on women if they have excess vaginal hair. It also spoke of 'HAIRY FANNIES. I was disgusted - how can these ads get on TV? They are playing on words and trying to be funny but it comes across as crude and tawdry. I object to this ad as it has stepped over the boundary and gone from good taste to shock value. It is rude and in poor taste and it makes me degraded.

Overtly sexual offensive, distasteful, crass. Children able to work decipher sexual nature of the ad.

I object to the crude and inappropriate wording in the written words on the pages where they try to hide the nature of the wording by interchanging the first letter of the offending words e.g. ducking filema or midy tuff

The content is inappropriate for the time slot it was shown. It is a crude satire and unnecessary at all. The sexual references are vulgar and not suited for TV advertising.

This is just disgusting. To play this advertisement in prime time television with barely any attempt to disguise what they are describing. My 12 year old daughter asked what it meant when some ones boyfriend "went down". Just ridiculous. Don't think for a minute that switching a few letters will stop children from understanding what they are saying. I have been watching their ads all these years and have always thought that they skirted on the edge of decency but to sink to this level when they could use so many different ways to advertise after all they are meant to be for a beauty service has gone WAY TOO FAR. I note that all their previous ads which have complaints have been dismissed by you - why is that? I thought that any complaint lodge meant that the advertisement had to be pulled off air while it was investigated - I hope you take a good look at this one it's a disgrace that it is allowed to play at all - let alone at that time of night. This is my first and only complaint letter - I hope my last. I am a normal mother and not a prude in any way but this is going too far. They should sack their advertising company for taking the easy way out and trying for shock tactics instead of a creative advertising campaign. I am thoroughly DISGUSTED that Australian Television allows this type of content. I will be copying this complaint and sending it to every politician, government body, television station, Sunrise - everyone that I can find an address for - that's how strongly I feel about this!!!!

The content of the advert is highly offensive. It discusses a male performing sexual acts on a female it talks explicitly about female anatomy.

This advert is extremely offensive. My husband and son have also viewed the advert. It verges on being pornographic. Also our other family has also seen it and they too were disgusted with the advert. Surely this type of advert is unnecessary no matter what time of the night it is. We certainly would not shop there as the advert is enough to put us off. Thanks for your time in hearing our complaint

It is completely crap. The changing of letters around in words does not disguise the loud nature of this ad. It was highly inappropriate and offensive to both my husband and myself. This is no way has been done in a tasteful manner. Just because it is evening does not mean that people want to be subjected to filth.

Word play included explicit sexual innuendo and profanity

Advertising intimate hair removal portrayed as a nursery rhyme or fairy story swopping the first letter of certain words children aren't dumb and untangled show rather not very nice words. I am not a prude but don't think that this is appropriate.

This advertisement has a play on words that could be easily understood by any normal 8 yr. old who plays with a computer or plays word games at school. I personally find this ad completely over the top and I do not believe it should be aired at any time of the day or night. It should be an offence to put these types of adds on anywhere at any time.

I feel that the ad is disgusting and even though was shown at a later timeslot is still highly offensive and disgusting. Although waxing is a choice a female has there is no need to discuss a male going down on a woman and getting a mouthful - even if some of the letters are switched around.

As subscribed above. The content is not suited to such an earl time slot. The creators obviously feel they are being clever with their presentation but it leaves this viewer cold.

I was offended by the ad because

- a) A one-letter substitution is hardly a sufficient cover for using explicit language including the "f" word.*
- b) The ad aired just after 8:30pm during "The Biggest Loser" which is a family friendly television show.*
- c) The story book format is appealing to younger children when the service being offered is not appropriate for such an age group. The ad itself was misleading. When it first comes on it*

appears to be an innocent child's toy advertisement. However it soon becomes clear that the ad is definitely not for children.

It is offensive to those who had no warning and were not expecting such an ad in this time-slot during this show.

They twist the words around to supposedly reduce the offense into something "amusing". It isn't. This is pure tasteless. Heck I'm pretty liberal and rarely take offense to anything. However this sort of ad is tasteless. When words such as muff and pussy are used in an ad with a pathetic word twist to apparently make it "acceptable" for public viewing - it's just...sick.

It isn't amusing or entertaining. It's garbage advertising and an embarrassment to the industry.

Where exactly is the line drawn? 9pm is still pretty early and regardless of what is recommended there will be kids up at this time. Do we REALLY need this sort of tasteless garbage on the "free" TV?

Its undertones - advertising as a supposed child's fairy tale with what I consider explicit undertones.

The sexual implications in the advert were very obvious and offending.

When working out what the advert is trying to sell, I am offended by the bit about the boyfriend "going down" on her and her having a "midy tuff". There are other examples of this in the commercial.

I just find this offensive.

The ad voice over jumbles words to hide the fact they are talking about something like the following 'every time my boyfriend goes down on me he gets a mouthful of hair' It goes on to say waxing is the best way to make your hairy muff more suitable (or similar).

Children and teenagers were present and I think it is an appalling ad that offended me as an adult. We are trying to raise our teenagers in a world that is now so immoral now it is invading our personal space during ad breaks we choose our programmes carefully but can't avoid the ads they air

We do not see this type of advertising as necessary.

Waxing and hair removal can be advertised in other ways without being suggestive and provocative. No I'm not a prude just sick of the rubbish put in front of us on a daily basis.

Offensive language was used with a couple of letters changed to change the words. I thought the ad was too sexually explicit for day time television and offensive to me as a woman to have female genitalia spoken about in such a crude way. The ad talks about oral sex and the problem of pubic hair.

Firstly, the disguise of pretending to be reading a fairy tale book is deceptive and offensive to the innocence of fairy tale books. Secondly, the inference of waxing pubic hair and relating it to oral sex. All in all too offensive and degrading to women. What goes on with people's private parts should remain private. If a women wants her pubes waxed I am sure she can find a hair removal clinic without all of us having to see that filth on the television. Thank you.

It was too explicit in its meaning and language which describes a type of sexual act. I felt it was demeaning to women in its content was crude in expression and promoted the wrong image of the equality of women in Australian society.

I feel that the underlying message portrayed in this type of advert could if it prevails break down the values we hold of women in this country.

. Shown during daytime programming when children could be viewing

. The almost nonexistent attempt to disguise the content which could probably be deciphered by a 10 year old child

. The content itself: a reference is made to a man "going down" on a woman.

- . Use of an expletive to sell a product
- Adult services portrayed in a way that would be attractive to children
- Offensive words masked by rhyme and 'puzzle'
- Content is inappropriate for this time of day

I am utterly disgusted at the content of the ad. Considering it is on at a time when children may see it, it is FAR too obvious what is actually going on and has the potential to start a craze amongst pre-teens and teens to discuss issues like this and in this manner. Its fairy tale style is far too appealing for children and even toddlers. My toddler was sitting on my lap reading a book when it came on and was asking lots of questions as there were words that didn't make sense. Totally inappropriate for the time slot and, in my opinion, for any day light hour.

I'm a pretty liberal person and have 4 teenagers so I see a lot but even this is going too far for daytime television. No matter how they mix up the words it's extremely obvious even to a young kid what they mean. It should be taken off.

THE ADVERTISER'S RESPONSE

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

RESPONSES:

AD DESCRIPTION: A woman concerned about her excess body hair, is on camera. She rushes around to get the hair removed and looks distraught. A voice over tells you that it's not good to have excess body hair as your partner will not 'GO DOWN' on you.

ADVERTISER'S RESPONSE: The TVC uses still vision of a female character called Mary Huff. Mary could be representative of any woman and at no point does she 'rush around' or 'look distraught'. At no point does the voice over tell the viewer that 'it's not good to have excess body hair as your partner will not 'GO DOWN' on you.' The words 'GO DOWN' are never used.

REASON FOR CONCERN: The ad said men will not "GO DOWN" on women if they have excess vaginal hair. It also spoke of HAIRY FANNYS. I was disgusted, how can these ads get on TV? They are playing on words and trying to be funny but it comes across as crude and tawdry. I object to this ad as it has stepped over the boundary and gone from good taste to shock value. It is rude and in poor taste and it makes me degraded.

ADVERTISER'S RESPONSE: No inappropriate language is used in this TVC. It is open to interpretation and the language quoted above is not used at all.

AD DESCRIPTION: Narrative of a sexual nature described in advert, except first letter of specific words switched e.g. 'midy tuff'.

ADVERTISER'S RESPONSE: The narrative is open to interpretation and no inappropriate language is used either verbal or written.

REASON FOR CONCERN: overtly sexual, offensive, distasteful, crass. Children able to work out/decipher sexual nature of the ad.

ADVERTISER'S RESPONSE: the intention of the ad is meant to be on the side of humour rather than sexual connotation. Given the M rating, it is assumed that children of a sensitive age would not be exposed to the ad.

AD DESCRIPTION: The ad is done in the format of a book with pages being turned and information being displayed on each page.

REASON FOR CONCERN: I object to the crude and inappropriate wording in the written words on the pages where they try to hide the nature of the wording by interchanging the first letter of the offending words e.g. ducking filema or midy tuff

ADVERTISERS RESPONSE: No inappropriate language is used either visually or verbally and is open to the viewer's interpretation.

AD DESCRIPTION: A mock story book, illustrated and hand written text - the letters at the beginning of words are juxtaposed - e.g. she had her "wanny faxed". Refers to her boyfriend going down on her and getting a mouthful of fluff. I have seen it at night and though it extremely distasteful but today it was on around 10 or 11 o'clock. Not a suitable time at all.

ADVERTISER'S RESPONSE: The wording/language is open to interpretation and is not in any way inappropriate. Given the M rating, it is not true that the ad was aired at 10 or 11 o'clock. See attached media confirmation.

REASON FOR CONCERN: The content is inappropriate for the time slot it was shown. It is a crude satire and unnecessary at all. The sexual references are vulgar and not suited for TV advertising.

ADVERTISER'S RESPONSE: The time slots allocated fall within the Free TV guidelines for the rating M received.

AD DESCRIPTION: The ad is depicted as a fairytale with a book flicking through describing a woman having her boyfriend "go down" on her and him getting a "mouthful" so she decides to go to Essential Beauty to get a "faxing wanny".

ADVERTISER'S RESPONSE: The ad does not refer to her boyfriend "going down" on her or getting a mouthful. The line reference is "Faxed her Wanny" This is not inappropriate language.

REASON FOR CONCERN: I feel that the ad is disgusting, and even though was shown at a later timeslot, is still highly offensive and disgusting. Although waxing is a choice a female has, there is no need to discuss a male going down on a woman and getting a mouthful - even if some of the letters are switched around.

ADVERTISER'S RESPONSE: The language used is not inappropriate and is open to viewer's interpretation.

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 was crude and offensive, references a sexual act, and features inappropriate language.

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

The Board first 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 ...sex...'

The Board noted that the advertisement is for a hair removal product which is a product legally allowed to be advertised. The Board noted the complainants' concerns that the advertisement is demeaning and degrading to women. The Board noted that although the product is advertised for a woman's use in this advertisement, it is a product which can be used by either sex.

The Board noted that the implied message of the advertisement is that the woman featured, Mary, uses the product in order to please her boyfriend. The Board considered that the advertisement was not suggesting that this was something all women should do, or that it is necessary, but rather the advertisement is promoting waxing as a potential solution to hair removal.

Based on the above the Board determined that, in this instance, 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 2.3 of the Code. Section 2.3 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone".

The Board noted the advertisement features a voice over reading a fairy tale style book, with the letters of some of the words switched: for example 'mo nore' instead of 'no more'.

The Board noted that this advertisement has been rated M by CAD and that the media schedule shows the advertisement was aired in the appropriate M rated timeslots.

The Board noted that the advertisement makes a reference to when Mary's boyfriend "dent wown" and that this resulted in him getting a "fouthmul". The Board noted the complainants' concerns that this is a reference to oral sex and is not appropriate to be aired on television. The Board considered that this reference was implicit and not explicit, that the words used by the advertiser are not words that appear in the dictionary, and that the accompanying visual images were not sexualised.

The Board noted the advertiser's response that no inappropriate language is used either visually or verbally and that the advertisement is open to the viewer's interpretation. However the Board considered that the advertisement, through visuals and voiceover, is quite likely to be understood by many members of the community as a reference to oral sex.

The Board recognised the concerns of the complainants, and some Board members considered that the cumulative effect of the spoken and written words in the advertisement increased the impact of the advertisement. The majority of the Board however considered that although most members of the community would readily understand the implied references, the tone of the advertisement is humorous, albeit crude, and the M rating means the advertisement is aimed at an adult audience.

The Board noted that the M rating would mean this advertisement is unlikely to be seen by children, the product is aimed at the adult market, and that the visuals and language of the advertisement are not designed to be appealing to children.

After considerable discussion the majority of the Board determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and that it did not breach section 2.3 of the Code.

The Board then considered whether the advertisement was in breach of section 2.5 of the Code. Section 2.5 of the Code states: “Advertising or Marketing Communications shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided”.

The Board noted that the advertiser had swapped the first letters of some of the words, thus making them unintelligible if read individually. The Board noted the complainants’ concerns that the original words, with the letters untouched, are offensive and crude, however the Board considered that as the changed words are not real words the language is not offensive or inappropriate.

The Board determined the language used was not inappropriate and that there was no breach of Section 2.5.

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