



Case Report

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| 1 | Case Number | 0043/11 |
| 2 | Advertiser | PZ Cussons Australia |
| 3 | Product | Toiletries |
| 4 | Type of Advertisement / media | Billboard |
| 5 | Date of Determination | 23/02/2011 |
| 6 | DETERMINATION | Dismissed |

ISSUES RAISED

2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience

DESCRIPTION OF THE ADVERTISEMENT

A naked man, with his back to the viewer, standing in a field of tea tree plants. It is raining and he has his arms outstretched and his head tilted back, and is visible from the middle of his bum upwards.

The text reads, "Packed with natural stuff. Originalsource.com.au."

There is an image of an Original Source Mint and Tea Tree Shower gel bottle on the bottom right of the billboard.

THE COMPLAINT

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

The level of nudity is far beyond standards of public decency.

If this was an actual man standing by the side of the road totally naked with his back to the traffic he would no doubt be arrested for indecent exposure and we would assume he had something seriously wrong with him. And yet the advertisers perceive it to be perfectly ok to blow the image up and display it for all to have to endure as we drive on a main road with our children in the car. I cannot possibly see the logic in this or any sense of decency.

THE ADVERTISER'S RESPONSE

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

We understand that our campaign is somewhat different to what has been seen in the market before. The execution is intended to depict the feeling of joy and freedom that you will experience when using Original Source Mint Shower Gel. As this product is made with essential oils, a natural ingredient, we wanted to show people using the product in their natural state (naked) to highlight the connection.

It is our intention to engage with both males and females who are looking for an intense shower experience and the tone of the execution is intended to be bold – just like the feeling you experience from using this product. It was certainly not our intention to offend.

In order for this execution to appear on these outdoor billboard sites, we sought specific approval of the content from the individual site owners and APN to ensure we weren't breaking any content restrictions. APN approved the content prior to producing the vinyls.

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 complainant’s concern that the level of nudity featured in the advertisement is far beyond standards of public decency.

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

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 that the advertisement features a naked man, with his back to the viewer, standing in a field of tea tree plants. The Board noted that the man’s intergluteal cleft is partly visible above the plants. The Board noted the accompanying text of the advertisement reads, “Packed with natural stuff” and considered that the combination of the tea tree plants and the man in his natural state are relevant to this text.

The Board noted that, while the image may have suggested a secluded setting, it was displayed on a billboard in full public view. The Board considered that the key issue for consideration is the relevant audience of this outdoor advertisement and whether the treatment of nudity in the advertisement was sensitive to that relevant audience.

The Board noted the distinction between the target audience of the advertiser and the relevant audience of the advertisement. The Board noted that the billboard advertisement is displayed outdoors where any member of the public could view it. The Board therefore considered the

relevant audience of this advertisement is very broad, including children. The Board noted that advertisements displayed in such forms of media cannot be filtered by parents to prevent children viewing them. The Board expressed concern that billboard advertising must ensure that it is sensitive to a broad audience.

The Board noted that it had previously upheld two similar complaints (408/09 and 411/09) however the Board noted that in the case of 408/09, the man was showing his bottom in an act of streaking, and in 411/09 the man was fully naked, his genitals had been airbrushed out and the image of the man jumping and exposing his rear end was a depiction of nudity that went beyond that which was usual to see, for example, at a beach.

In the case of this specific advertisement, despite the broad audience of the advertisement, most members of the Board considered that the advertisement's relevance to the product, the lack of any sexualised suggestion in the advertisement and the fact that the nudity depicted no genitalia meant that the advertisement treated nudity with sensitivity to the relevant audience.

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.

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