



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

1	<b>Case Number</b>	<b>0068/18</b>
2	<b>Advertiser</b>	<b>Ella Bache</b>
3	<b>Product</b>	<b>Beauty Salon</b>
4	<b>Type of Advertisement / media</b>	<b>Poster</b>
5	<b>Date of Determination</b>	<b>21/02/2018</b>
6	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

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

## DESCRIPTION OF THE ADVERTISEMENT

The poster advertisement features three naked women covering their breasts with their arms and sitting close together.

## THE COMPLAINT

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

*This poster is right opposite my local library and is quite offensive to a number of people who I have talked too. One of them has young children, and is really upset about it. I have heard that pornography is illegal, if it is then that picture should really not be up there.*

## THE ADVERTISER'S RESPONSE

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



*Ella Baché is a skincare brand with over 150 salons across Australia and distribution through David Jones store nationally. The brand centres on providing skincare solutions to women primarily aged 25+.*

*Ella Baché over the last 25 years has always produced advertising campaigns featuring women showcasing their natural and healthy skin. Ella Baché is a premium brand purely in the business of skincare. The image in question has been the core brand image since 2013.*

*The brand campaign was designed to position the Ella Baché across the promise of "Skin Solutions As Individual As You Are" and the brand is centered on educating and empowering women to achieve healthy and vibrant skin with expertly tailored solutions underpinned by the philosophy that "no two skins are alike".*

*The image was taken to capture the individuality of women's skin in a natural and healthy way which is relevant to the brand, the product and the category of skincare. While the models appear nude all areas that would be perceived as sensitive to the audience were covered. At the time, the OMA asked for minimal changes to the campaign image which were implemented prior to going live. The image in question - which was seen by the OMA as "acceptable as it is less sexualized and is relevant to the product" - has been used in our salon network since 2013. Please see the coverage in media here: <http://www.campaignbrief.com/2013/09/new-ella-bache-outdoor-campaig.html>*

*The image was shot in a beautiful, classic yet contemporary way fitting of cosmetic based advertising. The models all look comfortable and confident with each other, natural and happy and in no way is the shot sexualised or objectifying women.*

*The use of women for the campaign is in line with our core target audience and again is relevant to the brand and product that we are marketing. Ella Baché is a company run by women, focused on promoting empowerment, confidence and the success of all women associated with the brand - be they customers, employees or salon owners.*

## **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 complainant's concern that the advertisement contains too much nudity for a poster that would be seen by children.

The Panel viewed the advertisement and noted 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 the complainant’s concern that the poster advertisement was pornography and should not be on display where children can see it.

The Panel noted the advertisement was for a skin product and featured three naked women covering their breasts with their arms and sitting close together.

The Panel considered it had previously dismissed complaints about a similar advertisement from the same advertiser in case 0104/16, in which:

“The Board noted that the billboard features two women sitting close together with their arms covering their breasts. The Board noted that whilst the advertisement uses naked women, the pose was not overtly sexualised, sexually suggestive or provocative. The Board considered that in the context of the skin care product being advertised, the image was treated with sensitivity.

The Board noted it had previously dismissed a similar complaint in case 0336/13.

“The Board noted the complainants’ concerns about the level of nudity in the advertisement and considered that whilst the women are clearly naked they are positioned in a way which ensures their private areas are covered. The Board noted that the advertised product is a skin care lotion and considered that it is reasonable for an advertiser to show skin when advertising such a product providing that the image does not breach the provisions of the Code. The Board noted ... that the inclusion of nudity does not of itself amount to sexualisation. The Board noted that the women are posing in a manner which suggests they are happy and confident and considered that the women are not posing in a sexual manner and that the overall image is not sexualised. The Board considered that in this instance the overall image is artistic and the level of nudity is not inappropriate for a broad audience which would include children”.

Consistent with the previous determination, the Board considered that the current advertisement, which is an extract of the advertisement in 0336/13, 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.”

Consistent with previous determinations the Panel considered that in the current advertisement the women were positioned in a way that ensures they are appropriately covered.



The Panel considered that in the context of an advertisement for skin care it is reasonable for an advertiser to show skin.

The Panel considered the advertisement was highly stylised and artistic and the women were not sexualised.

The Panel considered that the advertisement was not overly sexualised and that the effect of the nudity was only mild. The Panel considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and 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 complaint.

