



ADVERTISING
STANDARDS
BUREAU

Level 2, 97 Northbourne Avenue, Turner ACT 2612
Ph (02) 6173 1500 | Fax (02) 6262 9833
www.adstandards.com.au
ACN 084 452 666

Case Report

| | | |
|---|-------------------------------|-----------------------------------|
| 1 | Case Number | 0070/14 |
| 2 | Advertiser | Johnson & Johnson Pacific Pty Ltd |
| 3 | Product | Toiletries |
| 4 | Type of Advertisement / media | Pay TV |
| 5 | Date of Determination | 12/03/2014 |
| 6 | DETERMINATION | Dismissed |

ISSUES RAISED

- Other Social Values
2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

The advertisement opens on a young woman in the bathroom of a nightclub looking upset. Her two friends help wrap some clothing around the back of her dress whilst the voice over talks about 'leaking'. The scene changes to a young woman on a bus trying to ignore the tampons which have fallen out of her bag on to the floor. We also see a girl holding a tampon and questioning where it should be used, and another girl having her photo taken and being embarrassed because her menstruation pad is poking out of her leotard.

THE COMPLAINT

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

This ad is disgusting. I do not believe that there is any reason to be talking about teens having foreplay and realising they are wearing a pad, which obviously means that they were considering intercourse. It also shows a girl with a sanitary pad hanging out the side of her clothing. Totally inappropriate.

I'm a female and this ad is both embarrassing and offensive! Nor do I need to watch it at dinner time! Having to explain to a 6 year old what the girl is holding in her hand (tampon) and where is she trying to put it is not acceptable either! Yes we have embarrassing stories yes we all need to use tampons no it doesn't need to be plastered all of the TV in an embarrassing and offensive way!

THE ADVERTISER'S RESPONSE

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

We have considered the complaints and the relevant provisions of the Australian Association of National Advertisers Code of Ethics (the "Code") and the Code for Advertising & Marketing Communications to Children (AMCC) and submit that the Carefree® Be Real advertisement (the "Advertisement") the subject of the complaints complies with the Code and the AMCC for the reasons set out in this letter and therefore the complaints should be set aside.

CAD RATING/ CAD REFERENCE:

Please be advised that the Carefree® Be Real TVCs have been approved by Commercial Advice Pty Ltd (CAD), as evidenced by approval reference PZ5RATCA.

Further to this, the Advertisements created for Carefree® have received PG ratings by CAD and we submit that this is the appropriate rating and we have complied with that rating.

According to this designation by CAD, the Advertisement, having a PG rating, is deemed to contain careful presentation of adult themes or concepts which are mild in impact and remain suitable for children to watch with supervision (emphasis added).

PG rated shows may be broadcast during the following hours, except during P and C programs or adjacent to P or C periods: Weekdays 8:30am – 4:00pm; Weekdays 7:00pm – 6:00am; Weekends 10am – 6am; Exercise care when placing in cartoon and other child – appeal programs.

Digital Multi Channels – in addition, may be broadcast during the following hours: Weekdays 6:00am – 8:30am; Weekdays 4:00pm – 7:00pm; Weekends 6:00am – 10:00am.

Carefree® has complied with the above guidelines.

In response to the complaints received by the ASB

We refer to the complaints received by the ASB and provided to us. The ASB has referred us to sections 2.1 (discrimination or vilification gender), 2.4 (sex/sexuality/nudity) and 2.5 (inappropriate language) of the Code.

It also appears that the complaints fall into the following categories (many of which do not

fall within the scope of the Code) and allegations all of which Carefree® denies: that the Advertisement is demeaning or disrespectful to females; the Advertisement is too embarrassing for adults and teenagers; children, such as 9-14 years old (and in one case as old as mid 20's) are too young for their parents to explain the product and periods to them/time slot in which the Advertisement is shown; one complaint stated that it did not promote a new product, only pointed out the embarrassment associated with women having to deal with their periods; and promotes sexualisation of children (which then raises the AANA Code for Advertising and Marketing Communications to Children ("AMCC")).

We will address Sections 2.1, 2.4 and 2.5 of the Code, the AMCC and each of the other categories listed above in turn after discussing:

- A. Our research regarding women and girls' concerns about their periods;*
- B. Consumer testing and validation of the Advertisement before airing;*
- C. The relevant audience;*
- D. Prevailing community standards;*
- E. The creation and content of our Carefree® website; and*
- F. The purpose of the Advertisement.*

Our research regarding women and girls' concerns about their periods

The average age of menarche (a girl's first menstrual period) starts between ages 11 and 14 and it can happen as early as age 9 or as late as 15

(<http://www.webmd.com/parenting/tc/menarche-topic-overview>). Our research has also shown us that 1 in 2 teens are too embarrassed to ask questions about periods and vaginal health. As a result girls, particularly teens can have misconceptions about their periods and how to use tampons.

Menstruation is still considered by some as the 'unmentionable', with research showing that women are more comfortable to talk about their sex lives than their periods. In fact, somewhat surprisingly, some women also view other females who talk about their periods as vulgar (26%), crude (29%), embarrassing (41%) – and even weird (26%), according to the research from Carefree®.

As our research showed that many younger girls have questions about their periods and tampons and some adult women are embarrassed about their menstrual health, our aim was to tackle that taboo and address the issue respectfully and honestly, to enable women to feel good about their bodies, how they work and themselves. And not to be embarrassed about anything to do with menstruation because, to paraphrase the support Carefree® has received from many women and girls, "it happens to all of us"!

Our research of girls aged 13-24 also found the following. Most girls (75%) discussed their first periods with their mum, (17%) with their friends who already had periods. Despite discussing it with their mums, the same study found 50% of girls feel they have unanswered questions. As a result only 43% of girls felt prepared when they started their period. 24% of girls also remember feeling scared for their first period.

This research told us that young girls needed a place to go to ask questions about periods, so

Carefree® developed the Advertisement and the becarefree.com.au website referred to in the Ad as a place where they can find out more information, ask a Doctor questions, and see that they're not alone. For example, our research found that 44% of girls were in public when they or a friend got their period and their dress was stained – as depicted in the Advertisement, and we wanted all girls seeing the Ad to take comfort in knowing their experience with that was not unique.

Consumer testing and validation of the Advertisement before airing

Carefree® tested the Advertisement with 421 women aged 13-39 years (N=157 13-17 years, N=163 18-24 years, N=101 25-39 years) before airing it on television and there was overwhelming support and resounding gratitude for the Advertisement. The vast majority of women were thankful that there is finally a campaign which takes a brave leap forward and publicly voices their period experiences, in a humorous light, helping them feel more comfortable knowing their experiences are a reality shared by all women.

Some of the comments by those who viewed the Advertisement in testing:

“Great ads. It’s an awkward and embarrassing experience and this makes me laugh and realise every woman goes through it and has the same experiences.” 13 years

“Very funny and real. I would have been very relieved to see these ads as a teenager.” 22 years

“THANK YOU!!!!!! It is about time that a company would take the issue of periods and the experiences ALL women have. It is a brave and absolute truth.” 35 years

“I think they’ve made a distinctive and different ad than has ever been made about sanitary products and embarrassing period situations. I think they’ve done an excellent job. It’s the best ad for sanitary products that has ever been made.” 13 years

“Real life situations!!! Gives you the opportunity to have a laugh seeing you're not the only one :-D.” 34 years

“It showed common issues girls have during their period, which many girls can relate to, therefore involving the female audience in the ad.” 18 years

“The fact that it takes real life experiences and the fears that every girl faces, then places it into an advertisement to make females feel less insecure about it..” 16 years

“I loved that it was relatable to every girl that has ever had a period!” 23 years

Of the 421 women (aged 13-39 years) who viewed the Ad in testing, before seeing the advertisement 55% felt comfortable about period experiences and 28% felt uncomfortable about them. After seeing the Ad, 63% felt comfortable about period experiences and 10% felt uncomfortable.

Before seeing the Advertisement, in the age group 13-17 girls (157 girls), 44% of those respondents felt comfortable about period experiences and 38% felt uncomfortable about them. After seeing the Ad, 58% felt comfortable about period experiences and 12% felt uncomfortable.

The Advertisement therefore reflects the concerns and experiences that women and girls have about their periods.

Importantly, The Advertisement is also effective in alleviating their concerns, particularly with young girls.

The Relevant Audience of the Advertisement

The Australian Association of National Advertisers (AANA) 2012 Code of Ethics Practice Note states that the relevant audience is a relevant concept for restrictions on treatment of sex, sexuality and nudity and language.

The relevant audience for the Advertisement is women, and in particular younger women and girls, who may wish to, or are using or have used sanitary protection products. The relevant audience is also intended to be women and girls who have experienced the things depicted in the Advertisement and may have questions or concerns about the use of sanitary protection products, including pads, liners and tampons. The Advertisement therefore refers the viewer to our website becarefree.com.au, where their questions can be answered by a Doctor. We discuss the website further in Section E.

The media placement plan includes television shows with a PG rating and above in accordance with the CAD approval and a target audience of women 13-24.

Accordingly, media placement for the Advertisement is appropriate to the relevant audience.

Prevailing community standards

We submit there was a time in the past, many years ago, when prevailing community standards would not have supported an advertisement on television or elsewhere that referred to women's menstrual issues and the products available to them, such as tampons.

In the 1980's for example, advertisements about menstrual issues depicted women in sporting/outdoor activities, but did not discuss the actual topic of periods.

In 2014, 30 years later, we submit those types of advertisements are viewed by the public and by the generation of women and young girls born at the time and after those ads were made, as a somewhat quaint depiction of the issue and not reflective of the community's maturity now and its ability and its willingness to discuss these topics openly and without embarrassment. We refer the ASB to its decision dismissing all complaints against the previous Carefree® television advertisement in 2012 which discussed the vagina, vaginal

discharge and Carefree® liners, and the comments made in the media by many commentators and by the public in support of that advertisement and the move from the “sport/outdoor” ads of the 1980’s, illustrating the change in prevailing community standards. As a result, we submit that the Advertisement is in-line with prevailing community standards.

Creation and content of our Carefree® website

The website was created to address the concerns of young girls and women about menstruation.

It includes: Q&A with a Doctor so girls can ask questions about their periods and the products that may be best suited for them; story sharing so girls know that all women go through similar things; tips and facts based on information girls search for on the internet about menstrual health and information about tampons, pads and liners.

As noted above, the Advertisement refers the viewer to the site and enables young girls to find out the answers to their questions in a safe environment.

Since showing the Advertisement, visits to the website have increased by 262% and Carefree® is proud to be able to help girls find the much needed answers to their questions and, with the help of the many positive aspects to the website, address their concerns.

The Purpose of the Advertisement

The Ad depicts situations that real women involved in our research told us they can relate to. The Advertisement is intended to show women they are not alone, that their experiences as females, even those that may have been embarrassing when they were younger – are indeed what unite us and that periods are a normal part of a woman’s life. Our aim has been to tackle the taboo around periods and address the issue honestly.

The purpose of this campaign is to reassure women, particularly young girls that their periods are natural and that all women go through a learning curve when getting used to managing their periods and using tampons.

The purpose of the Advertisement has been twofold.

First, to address in a respectful and honest way the embarrassment and taboo around periods that women feel. By speaking about periods openly it makes it less embarrassing because women and young girls know that the issues depicted in the Advertisement are relatable and can happen to everyone, not just them. As noted in Section A above, our research before making and airing the Advertisement confirmed to us the issues that women are concerned about with respect to their periods and tampons.

Secondly, the purpose of the Advertisement is to provide women, and particularly young girls who may have misconceptions about periods and feel embarrassed about periods and tampons, with the address of the Carefree® website discussed above. The website address appears at the end of the Advertisement with a super that says ‘For a more real take on periods becarefree.com.au’.

The becafree.com.au website provides women and girls with a place to go to learn about their menstrual health and ask a Medical Doctor questions with the answers posted without names, for other girls to read and see that they are not alone.

Since the Advertisement aired we have seen the significant increase in visits discussed above. We therefore submit that the Advertisement is not only responding to a real need to break down the taboo and embarrassment surrounding periods, it also provides a link to our Carefree® website, a much needed place for girls to go and ask questions and have access to information about their menstrual health.

In response to the complaints about discrimination/vilification of gender in the Advertisement Section 2.1 of the Code states:

“Advertising or Marketing Communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief”

A complaint alleges that the Advertisement is demeaning or disrespectful to women

The AANA Practice Note defines discrimination as “unfair or less favourable treatment” and defines vilification as “humiliates, intimidates, incites hatred, contempt or ridicule.” In our view the Advertisement in no way treats women unfairly or less favourably and in no way does it humiliate, intimidate, incite hatred, contempt or ridicule women.

The tone of the Advertisement is supportive and honest. The voiceovers are delivered, mostly by older women remembering their experience with menstruation, pads and tampons when they were young, with a tone of reminiscing in a positive way, that says to young women “I was worried about this happening to me at the time – but now I can tell you about it and laugh to myself because there’s nothing to be embarrassed about if this happens to you”. The Advertisement therefore ends with the super “Periods Happen, We Might As Well Be Real About It”, a voice over that says “Be Real, Be Carefree®”, and with a super that reads “For a more real take on periods becafree.com.au”.

Further, in the Advertisement, in the scene on the bus where tampons fall out of the woman’s handbag, a male is shown helping her by picking them up. This is to show that we, men and women, should not be embarrassed by tampons or menstruation because there is nothing about them to be embarrassed about.

The Advertisement: responds to our research regarding some women and girls’ concerns about periods; received overwhelming support from the majority of a sample of 421 women in testing; is directed at an audience of younger girls to help them know that they are not alone when it comes to their experiences regarding periods; is in line with prevailing community standards; and is supported by a detailed website with a Doctor answering Q&A and containing information about periods, vaginal health and tampons.

We also repeat our comments in Sections A-F above. For the reasons set out in those sections and in this Section G, we submit that the Advertisement does not discriminate against or vilify women and is not demeaning or disrespectful to women.

H Complaints that the Advertisement is too embarrassing for adults and teenagers

It appears that some of the complainants are embarrassed by the situations portrayed in the Advertisement as well as the sight of tampons and pads, however we submit that fails to establish that we are in breach of section 2.1 of the Code or any other aspect of the Code.

We also add that the embarrassment that some of the complainants are feeling is exactly what Carefree® is hoping to address with the Advertisement, to normalise experiences, dialogue and imagery relating to periods. The Advertisement is intended to break down the embarrassment and help women and girls not to feel embarrassed or ashamed by their bodies, menstruation, tampons and vaginal health and by providing them, through the Advertisement with reassurance that their experiences, questions and concerns are not unique and that it's ok to talk about these subjects in an open and honest way.

I Complaint that children, such as 9, 11, 13, 14 years old (and in one case a male in their mid 20's watching with their parents) are too young for their parents to explain the product and periods to them/time slot in which the Advertisement is shown/complaints that males should not have to see the Ad

The Advertisement has been approved by CAD to be shown during television shows with a rating of PG (and above).

According to the designation by CAD, the Advertisement, having a PG rating, is deemed to contain careful presentation of adult themes or concepts which are mild in impact and remain suitable for children to watch with supervision (emphasis added).

As noted above, girls as young as 9 can have their first period and the average is between 11-14, in which case menstruation, pads and tampons is a topic appropriate for parents and guardians to see on television and discuss with their children because their girls are either about to experience menstruation or already are.

Men and young boys may benefit from this as well. The Advertisement can help men, including those with wives, partners and young daughters to understand, if they don't already, that the issues depicted in the Advertisement are issues that all women experience and they are a natural part of life.

The Advertisement is intended to break down feelings of embarrassment and importantly it provides reference to the website, becarefree.com.au, where they can get information about periods, tampons and vaginal health and have a Q&A with a Doctor.

Therefore, in our view the word "period", the images and descriptions about women's experiences with menstruation and using tampons depicted in the Advertisement are appropriate in the circumstances and in accordance with the CAD rating of PG, the Advertisement is appropriate to be shown in those time slots where adults can view the ad and parents/guardians can provide guidance and, if needed, have an appropriate discussion with children.

We note that menstruation is also taught in schools to children, girls and boys from K6, when they are aged 11+.

We submit that Carefree® is not a breach of the Code in relation to these claims or otherwise.

J Complaint that the Advertisement does not promote a new product, only pointed out the embarrassment associated with women having to deal with their periods

One complaint made this comment, however it is not correct. As we set out above, the Advertisement refers women to a website, becarefree.com.au, where they can get information about periods, tampons and vaginal health and have a Q&A with a Doctor.

We also submit that this concern does not fall within the Code, and is not a breach of the Code by Carefree®.

K In response to the complaints of sex, sexuality and nudity and complaint of promoting sexualisation of girls

We refer to the complaints received by the ASB and provided to us. The ASB has also referred us to 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.”

A complaint also alleges (which we deny) that the Advertisement promotes the sexualisation of girls.

The images of our heroines in the Advertisement are at all times tasteful and there are no instances of nudity in the Advertisement.

To the extent the Advertisement deals with gender and with menstruation (sex and sexuality) we submit that, in accordance with the Code, the images of the women and girls in the Advertisement have been treated with sensitivity, with respect to the relevant audience, within the context of the subject matter and we repeat our comments above about our research, consumer testing and validation of the Advertisement before airing, the relevant audience, prevailing community standards, the content of the website becarefree.com.au and the purpose of the Advertisement.

There is no sex, sexuality or nudity in any of the scenes including: the formal dress scene; the bus scene; the girl in the bathroom wondering about use of tampons or the dance group photo. There are no images of blood, the tampons on the bus and in the bathroom are also clean and the edge of the pad shown at the end is also clean and white.

There is also a scene where a woman and a man are in the back seat of an open topped car,

dressed in 1950's clothing. First, we submit that there is no sex in this scene. Both are adults and are fully dressed. They are cuddling, when the voice over, which sounds like an older lady says: "There we were in the back of his car, then I remembered I was wearing a pad."

The images in this part of the Ad are discrete and to the extent it could be argued their cuddling is "sexual", it complies with prevailing community standards. Further, as noted above, the tone of this voice over is supportive and honest. It is delivered by an older woman remembering her experience with menstruation and pads when she was young, with a tone of reminiscing in a positive way, that says to young women "I was worried about this happening to me at the time – but now I can tell you about it and laugh to myself because there's nothing to be embarrassed about if this happens to you". As one supporter of the Ad stated:

"I didn't have a problem with the ad and have no problem with my daughters seeing the ad. I had a good chuckle at it as I had been through every embarrassing scene portrayed in the ad....and survived to adulthood unscarred."

We also submit that in no way does the Advertisement promote the sexualisation of girls and complies in all respects with the AANA Code for Advertising and Marketing Communications to Children. Tampons and pads are not sexual. Menstruation is not sexual. It is a natural part of every woman's life that begins when they are young girls. Society in the past has stigmatized menstruation and sanitary pads and tampons with the result that young girls and some women feel embarrassed by it. The Advertisement responds to this concern and is saying that menstruation is nothing to be embarrassed about.

L In response to the complaints regarding language

We refer to the complaints received by the ASB and provided to us. The ASB has also referred us to 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 (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided."

Regarding language, the complaints appear to relate to: the "Formal dress" scene where the girl states, "I remember it so clearly, I'd bled straight through, I was mortified."; and the girl in the bathroom, thinking that "the idea just seemed so weird to me, shoving that, up there?" while looking at the tampon.

As discussed in Section A above, in a study of 141 women aged 13-24, 44% confirmed that they or their friend were at a shop, school or out when they got their period and their dress

was stained.

This is a real issue of concern for women. As a result, the words “bled straight through” are used in the Advertisement. However, no blood is shown and the scene is handled with sensitivity and the girl’s 2 friends are shown there in support. Understandably this is an embarrassing moment for anyone. So her voice over uses the reminiscing tone discussed above, indicating that while she was embarrassed at the time, she’s able to tell the story now without embarrassment. The purpose of the Advertisement is to let girls know they are not alone, their experiences are common and they should not feel ashamed. As one of the Advertisement’s supporters said when viewing the Ad during testing:

“THANK YOU!!!!!! It is about time that a company would take the issue of periods and the experiences ALL women have. It is a brave and absolute truth.” Female 35 years

And another:

“I shouldn’t feel ashamed or embarrassed about my period experiences because they happen to all women.” Female 19 years

In the other scene there is a girl in the bathroom, and we hear her thinking that “the idea just seemed so weird to me, shoving that, up there” while looking at the tampon. Some of the complainants have objected to this part of the Ad.

In a survey of 497 women, 43% of women aged 13-24, and 56% of teens aged 13-17 (138 respondents) stated they are “scared to use tampons”. These women also indicated they don’t understand how a tampon works (total respondents 21%, teens 25% of 138 respondents).

One of the respondents during testing stated:

“Although every woman is different, we all share likeness in the fact that we all have periods, or have experienced periods in our lifetime... all women have asked the question some point in their life, questioning the comfort and reliability of tampons and how they would work to avoid embarrassment”

Female 23 years

Tampons and how to use them is therefore an issue for younger girls and women. To reach that younger audience, Carefree® needed to use language they would connect with and reflect how young women speak. It is unlikely using clinical language such as “inserting the tampon” would connect with this audience. As a result, Carefree® used the language that young women would use to help achieve the purpose of the Advertisement removing the embarrassment surrounding menstruation and also provide an avenue of where to find more information about tampons through the website becarefree.com.au referred to at the end of the Ad. The language used was therefore appropriate in the circumstances, appropriate to the relevant audience of younger women and we submit is not “obscene” or “strong”, as set

out in section 2.5 of the Code.

M Support received for the Advertisement

Leading General Practitioner, Dr Farah Kroman, said it's critical to address the sensitivities surrounding sexual health and encourage women to stop talking about periods in a 'hush hush' fashion."

"Every day we receive questions at Carefree® from women asking basic questions about their periods and sexual health. If women are not confident, or feel ashamed, to talk about such issues with friends, parents, or their own doctor – how can we expect women to understand what's normal and healthy, in order to care for their body," Dr Farah said.

Additional supportive comments taken from Herald Sun blog, 4 March 2014:

I didn't have a problem with the ad and have no problem with my daughters seeing the ad. I had a good chuckle at it as I had been through every embarrassing scene portrayed in the ad...and survived to adulthood unscarred. Society is so sterilised, sanitised and repressed these days it's good to see a little normalcy and fun once in a while. Young girls need to know this is a normal part of life that has been going on for generations. Not some warped bodily function that should be hidden and embarrassed about. Parents are already failing their duties to educate their daughters about the bodies and it's normal functions. Young girls have enough to worry about these days without society making menstruating a taboo as well. Mother of Girls of Melbourne

I don't think there is anything classless about this. It's an ad that 99% of women will be able to identify with. Those calling it classless are obviously embarrassed by their bodies and are far too sensitive. abduquid of Wonga Park

I have a young daughter who is just getting to that age where it all starts. We saw the ad last night and thought it was fantastic. Down to earth, true real life and it helped set her mind at ease. Good on you Carefree® more of the same please! To some of us the realities of life are just too hard to comprehend. Andy of Melb

A lot of men have incontinence issues but we're not supposed to talk about that are we? This embarrassment of some about everyday human body facts and determination to protect the kiddies who are going to experience it anyway is absurd. No child is 'too young' to enquire about or have explained to them simple biological facts. Kids see death and destruction on screens, sometimes worse. A female hygiene product is innocent and only embarrassing to a parent who doesn't want to explain it if a child inquires. No one complains about toothpaste commercials because we all use it yet this commercial, during a cooking show, is about a product used by half the population for around 40 years of their life. Jeff of Melbourne There are also many comments in support of the Carefree® Advertisement on Twitter, a medium favoured by the younger audience connecting with the Advertisement.

Conclusion

We submit that the Advertisement responds to a real need to break down the taboo and embarrassment surrounding periods. To remain silent will reinforce and perpetuate the unnecessary shame and stigma that some girls feel about their periods.

The Advertisement seeks to break down this stigma and also provides a link to our Carefree® website, a much needed place for girls to go and ask questions and have access to information about their menstrual health.

For the reasons set out above we submit that the Advertisement complies in all respects with the provisions of the Code (including the Codes incorporated therein), and in particular Sections 2.1, 2.4 and 2.5 of the Code and the AANA Code for Advertising and Marketing Communications to Children.

We respectfully ask the Advertising Standards Board to set aside the complaints it has received.

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 treats the issue of menstruation in a manner which is disgusting, inappropriate and uses language which is offensive, that the visuals of a pad protruding from a girl’s leotard, the girl holding a tampon and questioning where to put it and the couple making out in a car are not appropriate for viewing.

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

The Board noted that some of the complainants were concerned about the nature of the product being advertised and that it would make uncomfortable viewing for family members, specifically males. The Board noted that feminine hygiene products are legally allowed to be advertised and that the Board’s decision is only on the manner in which it is advertised.

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, sex, age, sexual preference, religion, disability or political belief.'

The Board noted the complainants’ concerns that it is degrading and demeaning to women to depict women in embarrassing situations in order to promote this feminine hygiene product. The Board acknowledged that some viewers would find the subject matter to be uncomfortable but considered that the situations depicted were realistic and consistent with

the experiences many women have had.

The Board noted the scene where a girl questions where a tampon should be inserted and the scene where a girl has a sanitary pad sticking out of her leotard. The Board noted the complainants' concerns that highlighting these issues increases the likelihood of women being on the receiving end of unwelcome comments from men and that this is degrading. The Board noted the advertiser's response that they had conducted research in to the attitudes and experiences of women and periods and considered that whilst some members of the community could find these scenarios and the issues they raise to be confronting in the Board's view the advertisement treats the subject matter with humour in a manner which normalises the issue.

The Board considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of gender.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board 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 Board noted the complainants' concerns that the advertisement features too much detail about menstruation and that this is not appropriate for viewing by a broad audience and specifically children.

The Board noted that the advertisement had been rated 'PG' by CAD

The Board noted the scene where a girl is holding a tampon and questions, "...shoving that, up there?" and considered that this situation is one which would be familiar to young girls, as highlighted in the advertiser's research. The Board noted that the advertisement is aimed at females aged between 13 and 39 years of age and considered that the tone of the advertisement is consistent with how these women would discuss menstruation and associated issues. The Board considered that the reference to female anatomy is not a reference to a sex organ in this context and is not sexualised.

The Board noted complainants' concerns that the advertisement will encourage conversations about an issue which children are not ready to discuss. The Board considered that younger people would be more frank about the subject matter. The Board considered that whilst some women might feel more comfortable with the subject matter as a private discussion in the home rather than as part of a television advertisement in the Board's view the advertisement treats the issue of menstruation in a light-hearted way with a sense of reminiscence from older woman which is not inappropriate for the relevant broad audience.

The Board noted the complainants' concerns about the use of a tampon in the advertisement and noted it had previously dismissed a billboard advertisement which featured a tampon (0055/13) where:

"The Board noted that the only visual image is of the product and considered that whilst tampons are usually only depicted within their packaging, it is acceptable for an advertiser to

display the product they are advertising. The Board considered that in this instance the product is depicted in a manner which is relatively discreet and is not graphic or inappropriate for outdoor display.”

The Board noted the complainants’ concerns about the image of the sanitary pad sticking out of a girl’s leotard is a sexual reference. The Board noted that the only the edge of the pad is visible and that our attention is drawn to it by the female voiceover who describes her embarrassment of having this image on her grandmother’s wall. The Board noted the tagline of the advertisement, “Periods happen. We might as well be real about it” and considered that whilst the image of the pad is designed to make the viewer cringe it is not inappropriate in the context of the product and message being advertised and is not a sexual reference.

Consistent with its previous determination the Board considered that the depictions of a tampon and a pad were not depictions of material that was of a sexual nature and did not involve any nudity. The Board considered that that in the context of the advertised product the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

The Board noted the scene featuring a couple embracing in the back seat of a car. The Board noted the complainant’s concerns that this scene suggests that the couple are about to have sex and considered that this scene was very mild and whilst the woman is clearly uncomfortable because she is wearing a pad there is no explicit suggestion that the couple are about to have sex and the image of a couple ‘making out’ is not inappropriate for the PG audience.

Based on the above the Board considered that the advertisement 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.

The Board 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 the complainants’ concerns about the language used in the advertisement and considered that in an advertisement for a sanitary product the use of the word ‘bled’ is not strong, obscene or inappropriate. The Board noted the scene of the girl who questions putting a tampon ‘up there’ and considered that her comments are in the context of the correct use of the advertised product and had no sexual connotation. The Board noted that some members of the community would prefer for the whole subject to not be advertised in the Board’s view the language used is not inappropriate in the circumstances and is not strong or obscene.

The Board determined that the advertisement did not breach Section 2.5 of the Code.

Further finding that the advertisement did not breach the Code on any grounds, the Board

dismissed the complaints.