



Case Report

1	Case Number	0074/13
2	Advertiser	Unilever Australasia
3	Product	Toiletries
4	Type of Advertisement / media	TV
5	Date of Determination	13/03/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Violence Causes alarm and distress to Children

DESCRIPTION OF THE ADVERTISEMENT

A male voice over says that it is no fun having dandruff that keeps coming back and we see a devil poring what appears to be dandruff over the head of a man. They are both presented as moving portraits within a picture. We then see a woman brushing the dandruff off the shoulders of the man whilst the voice over says he has been saved by Clear Men Scalp Therapy shampoo.

THE COMPLAINT

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

I think this add is inappropriate to be aired before 8.30pm . My 6 yr old daughter was watching the lion king and the add comes on with the devil with red eyes and sharp teeth, VERY scary image for a little girl! now she is scared out of her mind and it has ruined a lovely family Saturday night. I am so disappointed that I can't even let her watch a Disney cartoon movie without having to be exposed to these images.

I was shocked at the scariness of the devil image at the beginning of the advert. It was very frightening and scared my young 4 yr old son. The advert was shown repeatedly during family games shows during the period of 5pm and 6pm. This seemed an inappropriate place for the advert, when young children are likely to be watching.

THE ADVERTISER'S RESPONSE

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

I refer to your letter of 27 February 2013 in relation to the Clear Shampoo Television Commercial (the "TVC"). Our comments in relation to the complaint are outlined below. The ASB is considering the TVC in relation to an issue that falls under Section 2.3 of the Advertiser Code of Ethics. For the reasons outlined below, we do not consider that the TVC is in breach of Section 2.3 or other sections of the Code.

Background

The TVC is a global commercial that is shown in a number of countries to promote Unilever's new Clear anti-dandruff shampoo. The TVC is aired in 15 second and 30 second versions. The TV media buying is targeted at a male audience and as such the spot placements are amongst programming that is targeted at its intended audience. The content and humour of the TVC is consistent within the context of this programming.

CAD Approval

The CAD reference numbers for the 30 second and 15 second TVCs are GX73UHCF and GX73VHCF. Both the commercials have been rated G which means that the TVC can be broadcast at any time except during P (Parental Guidance) and C (Children's) programs or adjacent to P or C periods.

Section 2.3 of the AANA Code of Ethics

Under section 2.3 of the AANA Code of Ethics advertising or marketing communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

The TVC does not portray any violence. It starts with the image of a fantasy or mythical creature with animal horns and red skin pouring a white substance over the head of a man while the voiceover is saying: "No one wants dandruff that keeps coming back". The scene shows burning trees in the back ground and is framed in a golden picture frame. While we understand that some consumers will perceive this creature as representing a demon or the devil we believe that this scene does not portray any violence at all and that it is appropriate for the time zone in which the TVC is shown. The fantasy creature is only shown during the first four (4) seconds of the 30 second TVC. The fantasy creature was used to represent the bad influences on male hair and scalp, like dandruff. Mythical creatures and the devil are the subject of many tales and children stories and they are commonly used to represent the bad and evil. Consumers are used to seeing images of fantasy creatures and demons in the relevant time zones on television.

The fact that the relevant scene is shown in a picture frame also creates the impression that the TVC plays in an unreal fantasy world. The male "hero" of the TVC is shown as being "saved" by Clear Men anti-dandruff shampoo. The TVC shows a woman massaging the man's scalp and finally the man is shown in front of a picture that reminds of the 'Vitruvian

Man Vitruvian Man Vitruvian Man Vitruvian Man Vitruvian Man' by Leonardo da Vinci. The TVC ends showing the man as a model on a pedestal being painted by a group of women. Hyperbole and humour are used to convey the message that Clear Men shampoo stops dandruff at the source and that men with dandruff free hair are more successful with women. Because of the humorous theme of the TVC consumers, including children, are not led to believe that the fantasy creature at the beginning of the TVC is real and/or dangerous or violent.

Section 2.3 of the AANA Code for Advertising & Marketing Communications to Children

Under Section 2.3 of the AANA Code for Advertising & Marketing Communications to Children advertising or marketing communications to children must not be placed in media where editorial comment or program content, in close proximity to that communication, or directly accessible by children as a result of the communication, is unsuitable for children according to prevailing community standards.

“Advertising or Marketing Communications to Children” is defined as advertising or marketing communications which, having regard to the theme, visuals and language used, are directed primarily to children and are for goods, services and/or facilities which are targeted toward and have principal appeal to children. As the product that is the subject of the TVC is Clear anti-dandruff shampoo for men, this TVC clearly does not fall under AANA Code for Advertising & Marketing Communications to Children.

Even if it was found the AANA Code for Advertising & Marketing Communications to Children applies the TVC is not unsuitable for children according to prevailing community standards. The depiction of a fantasy creature that some viewers may perceive as the devil is justifiable in the humorous context of the TVC. Because of the humorous theme consumers, including children, are not led to believe that the fantasy creature at the beginning of the TVC is real and/or dangerous or violent.

In our opinion the TVC is entirely appropriate with respect to the programme time zones and intended audience.

Approvals

Unilever is a responsible advertiser and has numerous internal review processes, including review by Unilever's Legal Department, and corporate relations to critique all advertisements to ensure compliance with legal and ethical considerations.

Conclusion

We submit that the TVC does not portray violence and is suitable for the relevant time zone due to its humorous approach. We submit that the context of the TVC is well within prevailing community standards and that the TVC complies with section 2.3 of the Code of Ethics. The AANA Code for Advertising & Marketing Communications to Children does not apply.

Please contact me should you require any further information.

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 depicts graphic material which is frightening for young children and not appropriate for airing during a family movie.

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

The Board 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 not present or portray violence unless it is justifiable in the context of the product or service advertised”.

The Board noted the advertisement opens with a close up of a man dressed as a devil and then goes on to show another man resolving his dandruff by using Clear Men Scalp Therapy.

The Board noted the complainant’s concerns that the imagery of the devil is too frightening for young children. The Board noted that the advertisement had been rated ‘G’ by CAD and so is able to be played during a family movie such as the Lion King.

The Board noted the opening scenes of the advertisement featuring the devil and considered that this could be frightening to young children however the Board considered that these images are fleeting and the overall tone of the advertisement is factual and light hearted. The Board noted that the movie, Lion King, also contains some scary images and considered that the advertisement did not depict material which was inappropriate for children watching the Lion King, or other G rated television shows, to see.

The Board determined that the advertisement did not depict material which would be in breach of Section 2.3 of the Code.

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