



Case Report

1	Case Number	0078/12
2	Advertiser	Valeant Pharmaceuticals Australasia
3	Product	Toiletries
4	Type of Advertisement / media	Billboard
5	Date of Determination	14/03/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.2 - Objectification Exploitative and degrading - women

DESCRIPTION OF THE ADVERTISEMENT

The advertisement for Invisible Zinc features an image of Elle Macpherson in a bikini. She is promoting the importance of using sunscreen for face and body in our Australian climate.

THE COMPLAINT

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

It contains a sexualised depiction of a woman (i.e. white bikini, provocative pose, blank face expression) that looks like it belongs in a male soft porn magazine.

I saw this large poster (bigger than a person) displayed at the two main entries to my local shopping centre - at the Coles end. The size of the poster demands attention and I think the general public should have a choice about whether they want to see images like this or not. It is not suitable for children to be seeing and would be offensive to members of the general public too.

The image also resembled something out of a pornography website - and clearly such images arouse inappropriate feelings - and there is no doubt that this advertisement can be said to directly promote soft-pornography. What makes it worse is that it is being blatantly advertised in public places where children and teenagers are mostly found. As an individual I felt ashamed to even come across it let alone read it (for that would even look shameful for an adult!) I would feel highly ashamed as a parent to let my children see such material in front of me.

This form of unethical and irresponsible advertising are today contributors to the decay of public morals and are causes of youth crimes particularly sexual offences as reported by many psychological studies.

Coming from a faith based lifestyle which many people in Australia relate to - such form of advertising and material is condemned even in the bible and all other holy scriptures including many cultures. As a Muslim it is an even greater violation of human modesty particularly of a woman. Such advertising is completely against the principles of all religions particularly Islam and Christianity. I am certain that many people would share this view but unfortunately a majority don't know what they can do about it.

THE ADVERTISER'S RESPONSE

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

We feel the below four points cover the arguments made in the complaint and demonstrates that the campaign complies with the code.

2.2 - Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.v

2.4 - Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

1. The Invisible Zinc ads have been placed in areas on the path to purchase (shopperlights near supermarkets) and in areas that consumers would be thinking about sun protection and using sunscreen (outdoors). These environments are appropriate locations to advertise the Invisible Zinc products.

2. The image reflects an iconic Australian occasion in clothing that is appropriate for the activity. Visiting the beach is a popular activity that is considered part of Australian culture and is enjoyed by many Australians and visitors to the country. The bathing attire shown in the advertisement is reflective of the swimwear that is popular and appropriate wear for this occasion. This campaign aims to reflect this occasion (as sun protection while at the beach is important), using a recognisable personality that is associated with this type of outdoor lifestyle.

3. The image reflects a popular expression used across many advertising campaigns. It reflects a sophisticated, fashion focused image that is inline with the values of the brand – sophisticated, premium, fashionable. It is reflective of the fashion modelling the talent in the advertisement is known for and in no way aims to objectify women.

4. If we look at the outdoor advertising that has recently run across a variety of high exposure platforms including billboards, adshells/metrolights, shop windows, the back of buses and bus shelters (please see attached files), there are ads for swimwear, underwear, food and sunscreen brands which could also be considered a violation of Section 2.4 of the code. The intention across these (including Invisible Zinc) isn't to promote sex, sexuality, nudity or objectification but rather product demonstration.

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 complainant’s concerns that the advertisement features an inappropriate image of woman that is offensive and overly sexualized.

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

The Board considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: “Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.”

The Board noted that the advertisement features an image of well known Australian icon and top model, Elle McPherson. She is wearing a white bikini and the text and image next to her are promoting invisible zinc – tinted daywear.

The Board noted that the advertisement is consistent with advertising for sunscreen and considered that whilst the model is wearing a bikini she is not presented in a manner which most reasonable members of the community would consider to be exploitative and degrading.

The Board determined that the advertisement did not employ sexual appeal in a manner which is exploitative and degrading to men and that the advertisement did not breach Section 2.2 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 that it was reasonable for the advertiser to show the body of a woman in their advertising to reflect the type of product being sold, specifically sun protection products. The Board noted that the image is relevant to the product being advertised.

The Board noted that the placement of the advertisement meant that the relevant audience was likely to include children but considered that although in a bikini, the model’s private areas are well covered and she is not in a sexualized pose. The Board considered the image is sensitive to relevant audience. The Board noted that the connection between the image and the text describing the product is also clear.

The Board noted that they have previously considered similar images and dismissed the complaints on these occasions.

The Board considered that most members of the community would not find the imagery offensive. 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 2.4 of the Code.

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