



Case Report

1	Case Number	0106/16
2	Advertiser	Parfums Christian Dior
3	Product	Toiletries
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	23/03/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The commercial advertises Parfums Christian Dior's new female fragrance, Poison Girl, which is aimed at young adult females. The commercial stars model and actress, Camille Rowe, as the 'Poison Girl' who, while dancing at a nightclub, captures the attention of a young man. She rejects his advances but he just can't get her out of his head. At the end of the commercial, they meet again and what happens next is left up to the viewer's imagination.

THE COMPLAINT

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

Inappropriate ad promoting perfume using explicit sexual connotations that is disappointing from a the Myer company considered to be a respectable & upper community family store. I am offended because I consider the advertisement is pure porn in prime time, on a free to air station. I am not against porn but there is a time and a place for it and its not at 6pm on a family show which young children are certainly watching.

This was a highly sexual advertisement - way too detailed for an advertisement in regular viewing time. If it was a movie it would be a very high mature age rating. Disgusting for an ad!

I find this advertisement risque and demeaning to young women and offensive to myself. I personally feel it is close to a soft porn snippet. Being the mother of a 15 year old girl and a 14 year old boy, I cringe at the message it sends both of them.

Its far too sexualised with a semi naked woman being promiscuous.

THE ADVERTISER'S RESPONSE

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

Advertisement Complaint References: 0106/16, 0111/16 and 0127/16, Parfums Christian Dior's Poison Girl television commercial and outdoor advertising campaign

We act for Parfums Christian Dior.

We refer to the Advertising Standards Bureau's complaints addressed to Parfums Christian Dior and its retailer Myer Pty Ltd (Myer) in relation to Christian Dior's television commercial (the Commercial) and outdoor advertising campaign (the Campaign) for Dior's new fragrance for females, Poison Girl.

1 About the Commercial

The Commercial was directed by "So Me" (Bertrand Lagros de Langeron), who is an award-winning Parisian director, music producer and graphic designer. He has produced a number of well-known music videos, including for Kanye West, Justice and Kid Cudi. The Commercial features a French-American model and actress, Camille Rowe, as the "Poison Girl" who is alluring and nonchalant and intended to represent a generation of uninhibited, fun-loving and optimistic young women.

The Commercial is set in New York on the rooftop of the Boom Boom Room, one of the city's hottest nightspots. The party is glam and extravagant, sexy and sultry. A young man, played by model Harvey Newton-Haydon, spots the sensual and cool Poison Girl dancing at the nightclub and she draws him into her spell. The Poison Girl rejects his advances and, from that point on, he can't stop thinking about her. He begins watching video clips of her (intended to represent an Instagram feed), watching her digital life where she is a chameleon, part real and part fantasy.

At the end of the Commercial, the Poison Girl appears before him, suddenly real, and says "I am not a girl, I am Poison". What happens next is left to the imagination of the viewer.

2 About the Campaign

The Campaign Image is derived from the Commercial and depicts the Poison Girl wearing a singlet top, shorts and a long sleeved jacket (all in black). The Poison Girl is holding the Poison Girl product in her right hand, with her right thumb resting on her bottom lip. She is staring directly at the camera. Across the middle of the Campaign Image, the phrase "I AM NOT A GIRL I AM POISON" appears above the product name "POISON GIRL". A picture of the Poison Girl product appears in the bottom right hand corner and the "Dior" brand appears in the top right hand corner.

3 Nature of the complaints

We understand that the Commercial and the Campaign will be reviewed for their compliance with the whole of Section 2 of the AANA Advertiser Code of Ethics (the Code). However, the

specific complaints which the ASB has received described:

(a) the Commercial as “far too sexualised”, displaying promiscuity, depicting a “semi naked woman”, risqué, demeaning and degrading, “exploiting the sexuality of women”, using “suggestively explicit sexual material” and a “warped picture of sex”, amongst other things; and

(b) the Campaign as “misogynistic”, objectifying the Poison Girl and involving the Poison Girl “denigrating herself and inviting opprobrium”.

We have identified sub-sections 2.2 and 2.4 of the Code as arguably relevant to the Commercial and sub-sections 2.1 and 2.2 as arguably relevant to the Campaign Image and address them in detail below, including references to the AANA Code of Ethics Practice Note (Practice Note) where appropriate.

3 Alleged breaches of the Code

2.1 Portrayal of people (Section 2.1)

Section 2.1 of the Code restricts depictions of discrimination or vilification against people within certain groups, including gender. Discrimination is defined as unfair or less favourable treatment and vilification includes behaviour which humiliates, intimidates, incites hatred, contempt or ridicule. The complaint about the Campaign Image (0127/16) relevant to this sub-section of the Code is that the Poison Girl is denigrating herself and inviting disgrace or humiliation. The complaint appears to be confined to the contents of the tagline “I AM NOT A GIRL I AM POISON” (the Tag Line). Whilst the complainant does not make any comment about the appearance of the Poison Girl, we note for the record that the Practice Note clearly states that portraying a woman as attractive does not, of itself, constitute discrimination or vilification of women.

Insofar as the Tag Line is concerned, Parfums Christian Dior’s product is called Poison Girl. It is a female fragrance product aimed at women. The bottle is bright pink. The word “girl” appears in large pink script across the middle of the Campaign Image. The poster is dominated by the image of an attractive young woman. Against this background, the words “I am not a girl” as part of the Tag Line are fairly ironic, as the entire campaign is about the intoxicating femininity of this young woman, which is enhanced by her use of the Poison Girl fragrance. The words “I am not a girl” are in stark contrast to all of the other key features of the Campaign Image (and against the background of the contents of the Commercial) and would not, in our view, be a key take-away message for consumers viewing the Campaign Image. They are followed by the words “I am Poison” which is intended to refer to the effect of the product on people around the woman wearing the perfume who won’t be able to get her out of their system (like a poison). Essentially, this Tag Line suggests that the Poison Girl fragrance will heighten the femininity of the wearer. Accordingly, we do not see how this advertisement could be viewed as misogynistic. The young woman’s gender is not treated negatively in the Campaign, rather it is a central and positive force which is critical to the ability of the Campaign Image to sell the Poison Girl fragrance to women by suggesting it will enhance their femininity and attractiveness.

We do not believe that the use of the words “I am not a girl”, particularly in the context described above, discriminates against women by unfairly or less favourably treating them or

involves the vilification of women (through humiliation, intimidation, inciting hatred, contempt or ridicule). If anything, the Campaign Image highlights the Poison Girl's gender and femininity and advertises a product which is intended to enhance these qualities. It is difficult to see how it could be said that the Poison Girl is denigrating herself in any way, or inviting disgrace or humiliation, through the contents of the Tag Line (or, for the sake of completeness, her appearance or pose).

2.2 Objectification (Section 2.2)

2.2.1 The Commercial

Section 2.2 of the Code restricts the use of images which employ sexual appeal which is exploitative or degrading of any individual or group of people and relevantly prohibits the objectification of women or men.

Clearly, the sexual appeal of the Poison Girl is a key component of the Commercial. Whilst one of the complaints contends that the Poison Girl is being "promiscuous" (which suggests that her behaviour may be degrading to women), we completely disagree with this characterisation. "Promiscuous" in this context is defined as having many transient sexual relationships. In contrast, the Commercial depicts one man infatuated by one woman (who is not in his physical presence for the majority of the Commercial) and their potential relationship and there is no sexual activity depicted between the man and the woman in the Commercial at all. In fact, rather than acting promiscuously, the woman actually rejects the man's advances, which could be viewed as empowering to women rather than degrading.

One of the complaints also contends that the Commercial exploits the sexuality of women to sell a product in a degrading way. The Practice Note defines exploitative as "clearly appearing to purposefully debase or abuse a person, or group of person, for enjoyment of others, and lacking moral, artistic or other values". "Debase" means, in every day language, to reduce something in quality or value. We do not believe that the actions of either the Poison Girl or the man in the Commercial do anything to reduce the value of (or cheapen) either the Poison Girl or women more generally. The man approaches the Poison Girl and she rejects his advances and he subsequently views a number of very short videos of her engaging in various activities (which represents an Instagram feed) before she emerges again in person at the end of the Commercial.

It is difficult to see how this is demeaning or degrading to the Poison Girl or women more generally. The man is infatuated with the Poison Girl and is continually thinking about her but what happens between him and the Poison Girl is left entirely to the imagination of the viewer. Nothing actually happens between the Poison Girl and the man which could be said to "cheapen" the Poison Girl or degrade her or women generally. Infatuations of the nature depicted in the Commercial are far from unusual and the Commercial depicts a modern infatuation played out against the background of heavy social media use.

2.2.2 The Campaign Image

Again, the complaint about the Campaign (0127/16) appears to relate only to the contents of the Tag Line and not to the appearance of the Poison Girl. Our strong view is that the Poison Girl is adequately clothed in the Campaign Image and does not understand that any complaint is being made about the Poison Girl being "scantily clad". Nevertheless, we note

for the record that the Practice Note states that images of scantily clad women are only unacceptable if they are exploitative or degrading (which are defined above).

Whilst the sexual appeal of the Poison Girl is clearly an important part of the Campaign Image (in that the Campaign suggests that a woman can increase her femininity and attractiveness by using the Poison Girl fragrance), we do not believe that the Poison Girl's sexual appeal is employed in an exploitative or degrading way, either of the Poison Girl herself or of women more generally. The Campaign Image does not have any characteristics which lower in character or quality the Poison Girl or women more generally. As mentioned above, the use of the words "I AM NOT A GIRL I AM POISON" in the Tag Line would not be taken by consumers to be literally denying the gender of the Poison Girl when viewed against all of the other indicators which highlight the importance of her gender to the Campaign (bright pink product bottle, large pink script of the word "girl" and so forth). Consumers viewing the Campaign Image are unlikely to think that the purpose (or effect) of using the words "I am not a girl" was to reduce the value of the Poison Girl as a woman or objectify her as a poison. On the contrary, our view is that consumers would simply consider the Tag Line as Parfums Christian Dior's catchy way of describing the intoxicating effect of the Poison Girl fragrance to consumers.

Accordingly, we are confident that the Campaign Image does not breach section 2.2 of the Code.

2.3 Sex, sexuality or nudity (Section 2.4)

Section 2.4 requires the advertiser to treat sex, sexuality and nudity with sensitivity to the relevant audience. We will deal with each of these elements in turn and respond as follows.

(a) Sex

There is no depiction of sex in the Commercial whatsoever. For the majority of the Commercial, the Poison Girl and the man are not in each other's physical presence at all and, as mentioned above, the Poison Girl actually rejects the man's advances.

(b) Sexuality

The Poison Girl and the man are undoubtedly attractive people. Whilst it is obvious to the female adult audience to whom the Commercial is directed that the man is sexually attracted to the Poison Girl, this is not portrayed in a highly sexually suggestive manner. In fact, the man does nothing to demonstrate this except follow the Poison Girl out of the nightclub after which he is unable to stop thinking about her.

The Commercial opens with the Poison Girl dancing at a nightclub. She is dancing alone and not in a sexually suggestive manner. Again, the relevant adult audience would ascertain that there is sexual tension between the man and the woman but there are no explicit actions which confirm this – rather, it is the location of the individuals and the accompanying music combined with their attractiveness, eye contact and subtle body language which gives this impression. We reject the assertion in some of the complaints that this combination of elements has resulted in a "soft porn snippet" or the "overt use of erotic content". Subsequently, the woman rejects the man's advances by pushing him away with her leg. From that point, the woman and the man do not appear in each other's physical presence in

the same frame of the Commercial again.

The majority of the second half of the Commercial is made up of split second images of the Poison Girl engaging in various activities such as adjusting her dress, dancing, hiding behind a statue, looking at the camera, lying on a bed, stretching and playing with the Poison Girl product on a bed. Prior to the final scene of the Commercial, the Poison Girl looks at the camera. She is not wearing a top and is covering her breasts with her hands and arms. This image is on the screen for less than a second and the Poison Girl quickly turns around, showing her back to the viewer.

At its highest, a small number of these images, particularly the last one, could be considered 'mildly sexually suggestive'. However, it is our view that these images are not inappropriate for the likely audience which is outlined further below.

The Practice Note states that discreet portrayal of sexuality in an appropriate context (such as the advertisement of toiletries) is generally permitted provided it is sensitive to the relevant audience. Our view is that any portrayal of sexuality here (which rises no higher than depicting sexual tension between a young man and woman) is appropriate to the relevant audience, as it is not highly sexually suggestive and falls far short of being "explicit sexual material" as stated in one of the complaints.

(c) Nudity

The Practice Note states that full frontal nudity is not permitted but advertisements which depict women or men scantily clad is generally acceptable if relevant to the product.

The Commercial does not contain nudity, full frontal or otherwise. The Poison Girl wears a number of different outfits throughout the commercial but predominantly a black high necked dress which appropriately covers her body. The man wears a T-shirt and jeans.

There are two images of the Poison Girl lying down on a bed. She is lying so that the front of her body is on the bed. She is naked on the top half of her body and wearing flimsy tights on the lower half of her body. As she is facing down, the viewer cannot see her breasts. In the first such image, the Poison Girl's bottom can be seen through the tights but it is on the screen for less than one second and appears with at least four other images, such that a viewer is unlikely to even notice it. In the second image, the Poison Girl's bottom is not able to be clearly seen by the viewer.

Again, in the final image before the last scene of the Commercial, the Poison Girl appears without a top on and covers her breasts with her hands and arms. Our view is that her breasts are adequately covered such that there is no nudity in this image.

Importantly, all of the images in the Commercial, but particularly those mentioned above, are fleeting. The Commercial is so fast-paced, particularly in the second half, that the images are only on the screen for a split second or less, such that a viewer casually observing the Commercial would have difficulty separating out and identifying each image, let alone examining it in any detail.

Finally, the Practice Note states that discreet portrayal of nudity in an appropriate context (such as the advertisement of toiletries) is generally permitted provided it is sensitive to the

relevant audience. Our view is that any portrayal of nudity here (which rises no higher than a woman's bare chest and arms with her breasts adequately covered) is appropriate to the relevant audience, as it is not highly sexually suggestive, particularly keeping in mind that the target audience of young adult females are familiar, and likely to be relatively comfortable with, the female body.

(d) Sensitivity to the relevant audience

(i) Time slot

The Commercial was given a CAD rating of M and so is recommended for viewing only by persons 15 and over. Accordingly, the Commercial is only permitted to be aired as follows:

Weekdays (school days): 12pm – 3pm and 7.30pm – 6am

Weekdays (school holidays), public holidays and weekends: 7.30pm – 6am

There are additional restrictions on the broadcast of M advertisements even within these time constraints to ensure that children are not exposed to these advertisements.

The Commercial has been shown within these timeslots except for on one occasion when the Commercial was shown at 5pm on 1 March 2016 during a Jamie Oliver cooking show which was accessed through the "TenPlay" app at www.tenplay.com.au, which is a catch-up television service operated by Channel Ten. We understand that there are no classification restrictions on the advertisements screened during catch-up television but the Commercial was intended to only appear during adult-oriented programs. We can confirm that this issue has been raised with TenPlay and, as from 3 March 2016, we are informed that TenPlay only aired the Commercial between 7.30pm – 5.30am on the TenPlay app.

(ii) Relevant audience

The Commercial treats its subject with sensitivity, keeping in mind that the relevant audience is adult females aged 18 – 34 and not children (who should not be exposed to the Commercial due to the broadcast restrictions mentioned above).

Many women would aspire to look like the Poison Girl and to have her level of confidence. Rather than doing just enough to be sensitive to the relevant audience, the Commercial would be very appealing to the majority of females, who may feel empowered by its content.

As outlined above, our view is that the Commercial does not portray sex, sexuality or nudity. The Commercial does not depict any confronting or inappropriate images which might shock a casual viewer of the Commercial (even if the images in the Commercial were not as fast paced as they are).

Indeed, Parfums Christian Dior has gone to some lengths to ensure that the Commercial is tasteful and appropriate for any audience. In particular, the final shot of the Commercial is evidence of this, where the Poison Girl's body is significantly covered by clothing, with just a narrow gap through which a small part of her chest (but not her breasts) can be seen.

(iii) Artistic nature of the Commercial

This Commercial has been distributed internationally and is designed to be artistic in nature. As mentioned above, the Commercial was directed by a well-known music video director, So Me, and the Commercial also stars model and actress, Camille Rowe. Our view is that the combination of these talents has resulted in the Commercial being a work of art. The Commercial does not gratuitously use sexuality merely to sell the product and does not aim to promote a message of sexuality.

4 Other relevant complaints

We note that the Board has considered similar complaints in relation to perfume, namely Case References 0355/15 (Calvin Klein Eternity Now) and 0536/14 (Calvin Klein Euphoria) both of which were complaints under section 2.4 of the Code. We raise these complaints not to comment on the content of those commercials but merely to use them as examples, acknowledging of course that each advertisement must be assessed on its own merits.

In both of those commercials, a man and a woman appear in close proximity and are shown kissing with the male partially naked, embracing (sometimes on a bed) and variously writhing and/or undressing each other. Our view is that sex, sexuality and nudity were depicted in these commercials moreso than in the Commercial, despite the fact that those advertisements were rated “PG” and were considered acceptable for children (under supervision).

In Case 0355/15, the Board considered the Eternity Now advertisement to be “mildly sexualised” but with an overall artistic tone and minimal nudity. Our view is that this analysis should also apply to the Commercial, albeit that the Commercial is probably less sexualised than the Eternity Now advertisement keeping in mind that the man and woman are barely in each other’s physical presence during the Commercial. The Board also noted that the passion and long lasting love depicted in the Eternity Now advertisement were appropriate in the context of the product’s name. Similarly, our view is that the man’s infatuation with the Poison Girl depicted in the Commercial reflects the product name in the sense that she is an intoxicating force overtaking him.

In Case 0536/14, the Board found that the Euphoria advertisement was sexualised but was not inappropriate for a PG audience. Again, our view is that a similar analysis should apply to the Commercial but again noting that the Commercial is less sexualised than the Euphoria advertisement and that the Commercial has an “M” rating.

Parfums Christian Dior has a long history of designing and producing advertising campaigns for its products that are successful, of the highest artistic standards and conform with contemporary advertising standards. Our view is that the Commercial and the Campaign accord with contemporary advertising standards and are no different from the type of advertising campaigns used by many companies today, particularly in the perfume and cosmetics field.

For the reasons set out above, our view is that the Commercial and the Campaign comply with the Code.

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 promotes a product using explicit sexual connotations in a way that demeaning and offensive, and that it is shown during prime time television when young children are watching.

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 is highly stylised and considered that this is consistent with images used to promote perfumes. The Board noted that the central female figure in the advertisement is seen in numerous contexts, and at all times appears very much in control.

The Board noted it had previously considered a similar complaint in case 0175/14.

“The Board noted that the image is highly stylised and considered that it is consistent with high fashion images used to promote perfumes and in this context the advertisement does not employ sexual appeal in a manner which is exploitative and degrading”.

The Board noted in the current advertisement that the images are very stylised. The Board considered that, consistent with its previous determination, whilst the advertisement uses the sexual appeal of the woman, in the Board’s view the poses and scenes during the advertisement do not employ sexual appeal in manner that is both exploitative and degrading.

The Board considered that the advertisement did not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.

The Board determined that the advertisement did not breach Section 2.2 of the Code.

The Board then 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 the advertisement shows the female wearing different outfits and in different poses. The Board considered that at all times her clothing covers her private areas and the level of nudity in the one scene where she appears naked on the top half of her body, is not too revealing being covered by her arms and hands.

The Board noted the advertisement had been rated ‘M’ by CAD and had been aired in the relevant M timeslot. The Board considered that the depiction of the woman was not inappropriate in the context of an M rated advertisement, recommended for viewing only by

persons aged 15 and over.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant mature audience.

The Board determined that the advertisement 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 complaints.