



ADVERTISING  
STANDARDS  
BUREAU

Level 2, 97 Northbourne Avenue, Turner ACT 2612  
Ph (02) 6173 1500 | Fax (02) 6262 9833  
[www.adstandards.com.au](http://www.adstandards.com.au)

ACN 084 452 666

## Case Report

1	Case Number	0107/14
2	Advertiser	Johnson & Johnson Pacific Pty Ltd
3	Product	Toiletries
4	Type of Advertisement / media	Cinema
5	Date of Determination	09/04/2014
6	DETERMINATION	Dismissed

### ISSUES RAISED

- Other Social Values
- 2.1 - Discrimination or Vilification Gender
- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.5 - Language Inappropriate language

### 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:

*Sitting in the cinema, watching this ad with my husband and sons it was offensive to me that such privacy is displayed in such a trivial, demeaning way. I myself suffer from menopause flooding and have had a daughter as a gymnast with many photos like this on display. Will I now find my sons scouring them to see if they can see pads? Will my sons be looking for girls covering heavy period mishaps. Its none of their business. Just like we don't want to see ejaculation problems and broken condoms etc or Viagra ads for penis erections when we are at the cinema as a family or on the tv when its all of us together at night. I have used carefree*

*tampons all my life and educated my children appropriately about them and encouraged their use but after this ad I am changing brands as a matter of principle. As a teacher also I know what boys at school will be doing... giving poor young girls repeats of the statements from this ad. Tampon ads should just be non personal and simply quick and matter a fact if they have to advertise at all on the screen.*

## **THE ADVERTISER'S RESPONSE**

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

*The advertisement that is the subject of the current complaint (the Advertisement) is the same advertisement as that covered by ASB complaints 0069/14 and 0070/14 (TVC Complaints). You will recall that both these complaints were dismissed by the ASB.*

*In this case, the complainant has made reference to viewing the advertisement within the cinema medium whilst watching *Monuments Men*, which is rated M.*

*You will recall that the advertisement received a PG rating by CAD and we submit that this is the appropriate rating and we have complied with that rating. You will also recall that 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.*

*Similarly, the impact of PG (Parental Guidance) classified films and computer games should be no higher than mild, but they may contain content that children find confusing or upsetting and may require the guidance of parents and guardians. They may, for example, contain classifiable elements such as language and themes that are mild in impact, and not recommended for viewing by persons under 15 without guidance from parents or guardians.*

*Our cinema placement plan includes movies with a PG rating and above in accordance with the CAD approval and a target audience of women 13-24. Details of movies in which the advertisement appeared are attached.*

*We therefore submit that the placement of the advertisement in movies with a PG rating or above, including the M-rated *Monuments Men*, is appropriate.*

*As the current complaint is the same in nature as those under the TVC complaints, we refer to our response to the TVC complaints and rely on them to submit that the advertisement is not in breach of the relevant provisions of the AANA Code of Ethics and the Code for Advertising and Marketing Communications to Children. We therefore respectfully ask the Board to set aside the complaint as it did with the TVC complaints.*

## **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 treats the issue of menstruation in a manner which is distasteful, inappropriate and uses language which is offensive and explicit, 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.

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 complainant’s concerns that it is offensive 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 it had recently dismissed the same version of this advertisement on TV (0069/14) and Pay TV (0070/14) where:

“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.”

Consistent with its previous determination the Board considered that in this instance 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 for airing on Free TV but that in this instance the complainant had viewed the advertisement on YouTube and on the advertiser's Facebook page.

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 the female anatomy is not a sexualised reference.

The Board noted complainants' concerns that the advertisement features an issue which is not appropriate for children. The Board noted that the advertisement had been viewed on the internet and 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 an 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 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 that one scenario featured in the advertisement features a glimpse of a woman's sanitary towel and noted that 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 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 complainant’s 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 complaint.