



Case Report

1	Case Number	0120/16
2	Advertiser	Coty Australia Pty Ltd
3	Product	Toiletries
4	Type of Advertisement / media	Internet
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

This online advertisement opens on a young man and woman walking along then climbing a structure raised above the ocean/harbour. The advertisement then cuts to a various scenes showing different young people in different scenarios: at a beach bonfire, running across a pedestrian bridge above a road and flashing bare breasts at the motorists, topless men riding scooters through a city. We then see the original couple from the start of the advertisement jump in to the water and kissing under water. The final screen shot shows the product, ck2, and the text, “#the2ofus Calvin Klein”.

THE COMPLAINT

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

Very sexualised content involving naked couple with their hands all over each other.

THE ADVERTISER'S RESPONSE

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

Coty does not believe this Advertisement breaches section 2.4 of the Code of Ethics.

Section 2.4 states that any advertising or marketing materials shall treat sex, sexuality and nudity with sensitivity with regards to the relevant audience.

In line with the AANA Code of Ethics Practice Note (Practice Note), we confirm that the Advertisement does not contain sex, sexuality or nudity.

There are scenes throughout the advertisement that show men with their shirts off & a girl in a bikini top and shorts however, this is not distasteful. There is a scene involving two girls on a bridge, lifting their shirts as a 'fun prank' which should not be interperated as a sexual act. Their breasts are not exposed and the general tone of this scene is not sexual.

We have been running ck2 activity targeting people 18+ on Vice and other digital platforms. We feel the material is suitable for this age group and the creative fits well within the contextual environment of the VICE's website and YouTube channel.

As a part of our regular briefing process, the creative was shared with VICE team ahead of booking the medium, they were comfortable with the creative and didn't flag any concerns about it being potentially offensive to any party.

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 depicts nudity and sexualised content.

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

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 that this internet advertisement features various young people engaging in a variety of activities including dancing on a beach at night, jumping in to deep water, running across a bridge then stopping to flash at motorists and driving on a scooter through a city.

The Board noted the complainant's concern over the level of nudity in the advertisement. The Board noted in one scene we see a young woman wearing shorts and a bikini top embracing a topless young man. The Board noted that the couple is on a beach and considered that the level of nudity was relatively mild and appropriate in the context of the setting.

The Board noted the scene showing two young women running across a bridge over a road then stopping to lift their tops and flash their chests at motorists. The Board noted that we see the women first from behind and then from the front but at a distance and considered that although it is clear the women are flashing their breasts we do not actually see their breasts. The Board considered that the level of nudity in this scene is mild. The Board noted the overall tone of the advertisement and considered it is emphasising the freedom and carefree

nature of youth. The Board considered that the women's actions are playful rather than sexual in motive.

The Board noted the scene where two young men ride a scooter. The Board noted that the men are not wearing tops and considered that it is not uncommon to see men without tops in warm weather. The Board considered that the level of nudity in this scene was very mild.

The Board noted the complainant's concern that the advertisement depicts sexualised content. The Board noted the couple on the beach and considered that whilst we do see them kiss, with the man's hands resting on the woman's bottom, in the Board's view this fleeting scene is not overly sexualised.

The Board noted the complainant had viewed the advertisement on the Vice News website which is an international news organisation covering current affairs. The Board noted that this website is directed at a mature, adult audience and considered that the level of nudity and sexualised content in 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 Section 2.6 of the Code. Section 2.6 of the Code states: "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety".

The Board noted the scene where two young women flash their breasts at motorists. The Board noted that the women are on a bridge and we can see cars traveling underneath. The Board noted the dangers of driver distraction but considered that there is no suggestion of any danger to drivers in the advertisement and in the Board's view the women's actions are very unlikely to encourage copycat behaviour.

The Board noted the scene where a man and woman jump in to water. The Board noted that it is not possible to see how high their jump is but considered that the water is clearly very deep as we see the couple after they have jumped in. The Board noted we see the couple kissing under the water and considered that there is no suggestion that the jump was unsafe or that the couple came to any harm.

The Board noted the scene where two topless young men ride a scooter through a city. The Board noted that whilst the men are not wearing tops they are wearing helmets. The Board noted that the only legal safety requirement for safety equipment when riding a motorbike or scooter is that riders must wear helmets. The Board considered that consistent with a previous determination in case 0062/13 the advertisement does not undermine or depict material that is contrary to Prevailing Community Standards on safety while riding a motorised vehicle.

Overall the Board considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety.

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

