



Case Report

1	Case Number	0121/15
2	Advertiser	Pharmacare Laboratories
3	Product	Toiletries
4	Type of Advertisement / media	Print
5	Date of Determination	15/04/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The advertisement is for a skincare product - Rosken Intensive Moisture Body Lotion and depicts a naked women sitting on the ground with her arms wrapped around her knees. The text reads, "Rosken. Feel the difference on dry skin" and there is a rosette to the side of the image with the text, "Voted No. 1 Dry Skin Moisturiser...."

THE COMPLAINT

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

I and many women like me find such ads pornographic. Why does the woman need to be posing in this way? Could your Board PLEASE do something about the ever encroaching nudity on magazines/billboards?

THE ADVERTISER'S RESPONSE

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

PharmaCare Laboratories would like to emphasise that it takes seriously its commitment to the AANA Code of Ethics. It is also relevant to note that all our advertising is carefully reviewed in this context, from creative idea stage to final mixing.

In reference to your letter dated 19th March 2015 and complaint 0121/15, we do not agree that the Rosken print advertising is in breach of the AANA Code of Ethics. The complaint alleges an issue under section 2 of the AANA Code of Ethics.

Your letter has requested that we address all parts of Section 2. We address each of the parts of section 2 as follows:

2.1: Nowhere in the print advertising do we portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.

2.2: Nowhere in the print advertising do we employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.

‘I and many women like me find such ads pornographic. Why does the woman need to be posing in this way?’

We do not agree that there is any pornographic content in the Rosken print advertisement. The print advertising is for skincare and the woman in the advertisement is showing her beautiful skin to support the brand communication of healthy beautiful skin:

The advertisement depicts a woman sitting on the ground with her arms wrapped around her knees. The image is of a woman who is confident, healthy and happy. Her look and pose are in no way sexual and the only parts of the model's body visible are her face, shoulders, arms and legs – parts of the body you can see on any day in public in Australia. The model is also sitting in such a way that you are unable to tell if she is wearing clothing or not. She could for example be wearing a one piece swimsuit

2.3: Nowhere in the print advertising do we present or portray violence in any form.

2.4: Nowhere in the print advertising do we address, show or include any mention of sex, Sexuality and nudity.

The only parts of the model's body visible are her face, shoulders, arms and legs to support the brand communication of healthy beautiful skin.

2.5: At all times in the print ad we only use language which is appropriate in the circumstances. There is no strong or obscene language.

2.6: Nowhere in the print advertising have we depicted material contrary to Prevailing Community Standards on health and safety.

Our intention with this print advertising is to inform consumers about the skincare benefits derived from using Rosken Intensive Moisture Body Lotion. The advertisement illustrates the benefits of using Rosken on the skin, to “Improve your skin’s health, making it visibly smoother and more beautiful to the touch”

Accordingly, we submit that the advertisement does not breach any part of Section 2 of the AANA Code. For the reasons above, we respectfully request that the complaint be dismissed.

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 concern that the advertisement features an image of a naked woman which is pornographic.

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 this print advertisement features a naked woman with her arms folded across her bent legs so that all her private areas are covered.

The Board noted it had previously dismissed a similar complaint for L’Oreal in case 0319/11 where:

“The Board noted the advertisement an image of a naked woman sat with her arms and legs folded across her body to protect her modesty and next to her is a large image of a bottle of Garnier Repairing Lotion.

The Board considered that the exposure of skin is relevant to the moisturising product and that the accompanying text makes it clear that the product is for body lotion: “discover ultra-soft, nourished skin.

The Board noted that the advertisement was seen in Woman’s Weekly magazine which has a target audience of adult females. The Board noted that there is no mention of sex and considered that the pose of the female model is not sexualised or sexually suggestive. The Board considered that the advertisement is not sexually suggestive merely by reason of including nudity and that it does treat sex, sexuality and nudity with sensitivity to the product and relevant audience.”

In this instance the Board noted that the advertisement had also been viewed in the Woman’s Weekly magazine and considered that the target audience would be adult females. The Board noted the level of nudity in the advertisement and considered that the most likely interpretation is that the woman is displaying her skin to demonstrate the product. The Board noted that the woman’s private areas are fully covered by her limbs and considered that the

level of nudity was not inappropriate in the context of a skin care advertisement in a woman's magazine.

The Board noted the complainant's concern that the advertisement is pornographic. The Board noted the Macquarie Dictionary's definition of pornography is:

1. n. obscene literature, art, or photography, designed to excite sexual desire.

The Board noted the pose of the woman and considered that it is not sexualised or designed to excite sexual desire. The Board noted that nudity is not of itself sexual and considered in this instance most reasonable members of the community would consider the image of the woman in the advertisement does not meet the criteria for pornographic material.

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.

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