



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0123/13</b>
<b>2</b>	<b>Advertiser</b>	<b>Kimberly-Clark Aust Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>Toiletries</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>01/05/2013</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.6 - Health and Safety Bullying (non violent)

### DESCRIPTION OF THE ADVERTISEMENT

The advertisement features a group of women discussing what causes their bladders to sometimes leak: sneezing, laughing, lifting heavy items. A voice over then says, "Sometimes it just happens - and for those times, there's Poise".

### THE COMPLAINT

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

*They are talking about LBL, and one of the ladies says that she has it when she laughs. Others in the group start laughing, and she says "Don't", the whole group is then laughing. I FEEL THIS IS ACTUALLY A TYPE OF BULLYING, especially when she has asked them not to. The lady confides a problem she has, with the others starting her off laughing, show little respect for her and her LBL problem or the problem she has confided to them.*

### THE ADVERTISER'S RESPONSE

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

*General*

*Before addressing the substantive issues, Kimberly-Clark Australia would like to make clear that both our employees and our advertising agencies are acutely aware of our responsibility to the community in relation to the standard of our advertising and as such we take any complaints seriously.*

### *General*

*The advertisement was developed to normalise light bladder leakage and to encourage women to feel comfortable talking about the condition. The tone was intended to be light but also to be empathic and respectful to our consumers and potential consumers.*

*The group of women in the book club are shown to be sharing their experiences with light bladder leakage (LBL) in the way that they might share a number of other experiences underscoring that this condition can and does affect a number of women.*

*One woman mentions that 'it happens to me when I laugh'. The other woman in the group then spontaneously laugh in what is meant to be a gentle but playful manner (some from a position of nervous tension as they may also experience LBL when they laugh), creating a situation where they all start laughing and cannot stop.*

*In respect of the scenario itself, we wanted to choose a scenario that closely mirrored women's experiences of LBL which, as a result of consumer research, we understand affects 1 in 3 women) and, from medical research, commonly occurs when those affected laugh.*

*In choosing such a treatment, the intention was to highlight women feeling comfortable discussing a condition that may previously not have been discussed as openly and to also highlight that this can be a frequent occurrence for a number of women.*

*It was not our intention in this advertisement to create a scenario whereby one of the women was bullied or was seen to be the "butt" of any joke at the expense of any of the other woman. Rather, it was to bring alive the fact that this condition can and does affect a number of women and as such is something that can be discussed and can be discussed in a manner that is not necessarily medicalised or gravely serious in tone.*

*Prior to launching an advertisement and in line with our deep desire to market our products responsibly and in a way that does not offend, we undertake extensive testing of new advertisements to ensure they contain no offensive images or scenarios, and that they do not promote inappropriate behaviour. In line with that approach, we extensively tested this advertisement with 200 women. For this advertisement, consumers who viewed our Poise*

*Liners TV advertisement in the research process said that the advertisement was enjoyable and felt they could identify with the situation (which was the outcome that we were seeking to achieve).*

*In developing this advertisement we took considerable measures to ensure that the tone of the advertisement was as we had intended. Reviewing the feedback from our consumer testing, we are not aware of the issue of bullying having been raised by any of the participants. Nor are we aware of having received any similar complaints during the period during which this advertisement was run.*

*For the reasons stated above, we respectfully suggest that this advertisement objectively does not contravene Section 2.6 of the AANA Advertiser Code of Ethics nor does it offend against any other aspects of the Code.*

*Kimberly-Clark Australia markets numerous products and maintains the highest standards possible in promoting those products. We are serious about being a responsible corporate citizen and are always mindful that our advertising, or any other communication, should be acceptable to community standards.*

*For the reasons stated above, respectfully, the complaint should be dismissed in its entirety. Kimberly-Clark is pleased to have had the opportunity to respond to this complaint and to confirm its support for the ASS and the codes to which it is subject. If you have any further queries or require any further information, please do not hesitate to contact me.*

## **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 and condones the bullying of a person because they suffer from bladder leakage.

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

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 advertisement features a group of women discussing what triggers their light bladder leakage and that when one woman confesses that laughter is her trigger the other women then start laughing and she joins in with them.

The Board noted that the woman who mentions laughing is her trigger appears amused rather than upset at the reaction of her friends. The Board considered that the tone of laughter is one of amusement rather than mockery and that in the context of a group of friends discussing a delicate issue the overall depiction is one of a group of women comfortable enough with one another to discuss light bladder leakage in a non-judgemental manner.

The Board considered that the advertisement did not depict, condone or encourage bullying and determined that the advertisement did not depict material which would be in breach of Section 2.6 of the Code.

Further finding that the advertisement did not breach the Code on any grounds, the Board dismissed the complaint.

