



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0142/17</b>
<b>2</b>	<b>Advertiser</b>	<b>Pharmacare Laboratories</b>
<b>3</b>	<b>Product</b>	<b>Toiletries</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>12/04/2017</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

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

## DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts Mark Winterbottom, V8 Supercar Champion, talking about the importance of staying cool. We see footage of Mark racing as well as him applying Brut deodorant to his underarms as part of his pre-race preparations.

## THE COMPLAINT

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

*I thought showing nipples were not allowed on advertising. I do not want to see Mark Winterbottoms nipples or bare chest, its very unattractive and offensive to look at.*

## THE ADVERTISER'S RESPONSE

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

*COMPLAINT REFERENCE NUMBER: 0142/17*

*I refer to your letter in relation to the above complaint.*

*We have considered the complaints and the issues raised in your letter in light of the AANA*

*Code of Ethics (specifically Section 2.4 – sex, sexuality and nudity) and respond as follows:*

#### *Advertisement content*

*The commercial showcases the 2015 Supercars Champion Mark Winterbottoms ability and skill required to win a championship. We feature race highlights showing his ability, while Mark narrates insights into what it takes for him to prepare for a race both mentally and physically.*

*Part of his physical preparation is applying deodorant to avoid him sweating and becoming uncomfortable in his race suit.*

*We then show Mark physically preparing for a race by putting on his official race suit, shoes and helmet and applying Brut antiperspirant deodorant.*

*AANA Article 2.4 – Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.*

*The application of deodorant on a male body depicted in the Brut TV commercial is completely appropriate and representative of the male population. It is consistent with the advertising of male deodorants throughout the industry and around the world and is duplicated most recently in the Nivea Protect and Care Antiperspirant Ad (launched Sept 20, 2016) broadcast on both Free to Air and Subscription TV and the Lynx TV commercial broadcast in Australia throughout 2016.*

*Men do not wear undergarments to cover their torso while applying deodorant from an aerosol, so to suggest they do in our TVC would be inaccurate.*

*The ambassador in our TVC applied deodorant as any male would and did so with a focus on the task and without any implied sexual innuendo, activity or otherwise.*

*Another example of shirtless males from outside the Personal Care industry is the “Lazy Bear” commercial by Bundaberg Rum featuring a male lying on a hammock on the beach with his top off.*

*This depicts a typical male in a beach environment. A shirtless male in a beach environment is both publicly and socially accepted so the application of a personal care product should follow suit in the eyes of the public.*

#### *Summary*

*The focus of the advertisement is highlighting the success and talent of a motor racing driver. The application of product to his underarms is entirely consistent with the routine application of the product that males perform on a daily basis so therefore is in fact sensitive to our relevant audience.*

*Our advertising targets males 25-59 with a key focus on motor racing, sporting programs and other male oriented General Entertainment.*

*This ad was broadcast on Subscription TV and Free to Air under the attached CAD approvals.*

## **THE DETERMINATION**

The Advertising Standards Board (the “Board”) considered whether this advertisement breaches Section 2 of the AANA (the “Code”).

The Board noted the complainant’s concerns that the advertisement showed a man’s naked chest which is inappropriate and offensive.

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 the advertisement is promoting a deodorant and that the man in the advertisement is a V8 Supercar driver, Mark Winterbottom. The Board noted that the voiceover describes how under pressure situations, the drivers need a reliable deodorant. Mark is seen with no shirt on and one arm raised as he sprays the deodorant under his arm.

The Board noted the advertiser’s response that “the application of product to his underarms is entirely consistent with the routine application of the product that males perform on a daily basis so therefore is in fact sensitive to our relevant audience.”

The Board noted that the target market for such a product is males aged 25-59 years who would also likely be the target audience for the type of broadcast ie: Motorsport.

The Board noted that the man is wearing his race suit rolled down and that he is depicted preparing for a race. The Board considered that it is reasonable for the advertiser of a deodorant for men to show a man applying the product. In the Board’s view, it is realistic to depict a man not wearing undergarments or shirts while applying deodorant to their underarms.

The Board considered that in this matter and in the context of the promotion of deodorant, the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and 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.

