



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0144/18
2	Advertiser	Cosmax Prestige Pty Ltd
3	Product	Toiletries
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	11/04/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a man diving into water to swim to a young woman in a white bikini. When he reaches her in her rubber dingy he lies on top of her while they kiss and the woman pulls down the mans swimmers.

THE COMPLAINT

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

I object to the content of this add as it exposes children to sexual images that are unnecessary and too graphic.

It's implying sex and nudity, again I'm not against the ad as such but I am against the time it's shown when my child is in the room between 6.30pm and 7pm.

The embrace was very sexual in nature, the pulling at the speedo exposed his buttocks, it was very provocative and more of an issue as it was 3:15pm during a quiz show when many children would be watching.



The scene depicts the commencement of a sexual act and I don't want to see the opening between a guy's buttocks. Thank you.

Too sexy for Sunday at this time. Soft pornography.

THE ADVERTISER'S RESPONSE

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

Advertiser did not respond.

THE DETERMINATION

The Ad Standards Community Panel (the "Panel") considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the "Code").

The Panel noted the complainants' concerns that the advertisement contains sexual content and is not appropriate for children to view.

The Panel viewed the advertisement and noted that the advertiser did not respond.

The Panel 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 Panel noted this television advertisement features a man diving in to the sea so that he can join a woman lying in a dinghy. The man is wearing white swimming trunks, the woman is wearing a white bikini, and at the end of the advertisement we see the woman run her hands down the man's back to clutch his left buttock before a director calls, 'cut!'

The Panel noted it had previously dismissed complaints about a similar advertisement in case 0097/11 where:

"The Board noted that the advertisement depicts a couple embracing and kissing and the man is seen to pull the strings of the woman's bikini top to unfasten it. The Board considered that this depiction of a couple kissing and embracing was sexually suggestive but that the scene is cut and there is nothing more explicit. The Board considered that the couple kissing was about one third of the advertisement and that the overall impression was sexually suggestive but was not strongly sexualised as there was no consequence depicted of the woman's top being undone. The Board considered that a PG CAD rating is appropriate for this advertisement as it does depict sexualised behaviour but that the behaviour fitted appropriately within the



PG classification. The Board considered that the advertisement treated sex with sensitivity to the relevant PG audience.”

The Panel noted it had previously considered this advertisement on a different medium in case 0258/17 in which:

“The Board noted that the advertisement depicts a man and woman kissing and considered that as the man is lying on top of the woman the kissing is sexualised. The Board noted that the woman is shown to run her hand down the man’s back and in to his swimmers, revealing part of his naked buttock, but considered that this scene stops there and in the Board’s view the level of nudity is not explicit and the sexualised nature of the scene is not inappropriate in the context of a stylised fragrance advertisement aimed at adults and airing on a Pay TV channel aimed at adults.”

The Panel noted that the complainants had viewed the advertisement on various free to air television stations on different days and times.

The minority of the Panel considered that the passionate embrace was not appropriate for broadcast during any time of day, and should have restricted airtime based on expected audience, including children.

The majority of the Panel considered that the level of nudity in the advertisement was not explicit, and noted that both actors are covered until the end scene, which is blocked by the Director’s Cut board.

Consistent with its previous determination in case 0258/17 the Panel determined that the level of nudity is not explicit. The Panel considered that the advertisement is not inappropriate in the context of a stylised fragrance advertisement.

The Panel considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience of free to air television 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 Panel dismissed the complaints.

