



Case Report

1	Case Number	0155/11
2	Advertiser	Colgate Palmolive Pty Ltd
3	Product	House goods/services
4	Type of Advertisement / media	TV
5	Date of Determination	25/05/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience
2.1 - Discrimination or Vilification Sex

DESCRIPTION OF THE ADVERTISEMENT

A young lady preparing for a night out realises she has run out of perfume so decides to wash her dress using Fragrance Temptations. She can be seen unzipping the black dress she is wearing, then putting it in to the washing machine whilst wearing only her black underwear and stockings.

THE COMPLAINT

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

I was offended by the fact my 3 and 6 year old children were watching morning TV (8.20 am) with me and suddenly I was asked a barrage of questions about why that lady was getting undressed why she was being rude etc.

I was offended because if that ad was broken into still shot photos and in a magazine in my house it could easily be regarded as "soft porn" because of the poses and if I left that material out publicly my parenting would probably be questioned by anyone who entered the house. I was offended because my children are at the age where they don't quite understand TV - whether it's live streaming of real little people in a box or what. A 3 and 6 year old don't need to be sexualised at any time - even if they hadn't consciously noticed I would still be vehemently opposed to the subliminal "background" of the images in our lounge room.

I was offended because if my children are exposed to the sexualisation and exploitation of women at this age then what hope have I got to turn my son into a responsible adult and to protect my daughter from exploitation in the future.

I don't know who this ad was aimed at - was it really at trying to make washing seem sexy or was it trying to turn men on - or was it trying to turn women on - or was it trying to make housewives feel sexy or be sexy when they do the washing. In any case it was demeaning. Obviously it must be hard for companies to keep coming up with new angles but maybe next time they should try showing an ordinary average bloke using his brain at the washing machine because I'd definitely find that "sexy."

The fact that this ad also screened on Good Friday also seemed to add an extra layer of offence - not that we are overly religious but from a cultural perspective of the whole Easter Block is an especial family time to relax and be together without controversy or erosion of our values.

THE ADVERTISER'S RESPONSE

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

Colgate-Palmolive is committed to conducting all advertising and promotion with integrity and takes seriously any complaints made in relation to any such advertising and promotion. Colgate-Palmolive is a responsible advertiser with a comprehensive review process in place for all advertisements and is committed to compliance.

Having considered this matter in detail, Colgate-Palmolive believes that the advertisement does not breach the AANA Code of Ethics (Code), having regard to section 2 of the Code or otherwise. Colgate-Palmolive respectfully submits that the advertisement is a fanciful and idealistic scenario which highlights the luxury fragrance of its Fragrance Temptations range. With reference to specific sections of the Code, Colgate-Palmolive respectfully submits as follows:

1. Section 2.3: Advertisements shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, to the relevant programme time zone.

The advertisement is a classy, fanciful depiction and does not contain any gratuitous, offensive or unusual uses of sex, sexuality or nudity. The woman is depicted in a luxurious apartment, wearing a black cocktail dress and putting on her finishing touches before she goes out. The woman looks from room to room trying to find her perfume and, annoyed at only being able to find empty bottles, has the inspired idea to use Fragrance Temptations. She is shown removing her dress to place it in the washing machine. Once the wash finishes she is pleased at the fragrance and is shown wearing the cocktail dress and leaving the apartment.

The complaint describes the advertisement as showing a woman stripping, and that we see her naked back. Colgate-Palmolive submits that the advertisement does not contain full nudity or gratuitous exposure. It shows a woman removing her dress to place it in the washing machine, leaving her fine underwear on. The complaint also states that the camera switches to some milky white looking fluid being poured, and Colgate-Palmolive notes that this is the actual Fluffy Fabric Conditioner being poured into the washing machine.

There are no other people in the apartment; the woman is on her own, getting ready to go out. There is no express or implied reference to sex in the advertisement. The woman washes her dress using Fabric Temptations in a fanciful and luxurious setting, highlighting the fragranced laundry product. The advertisement is focused on the fragrance of the product. Colgate-Palmolive submits the advertisement treats sex, sexuality and nudity with sensitivity, particularly having regard to the relevant audience and placement. Colgate-Palmolive has taken care to ensure that the advertisement has been placed appropriately within its given classification guidelines.

Colgate-Palmolive submits that the majority of people would consider the advertisement to be a fanciful and decadent fictional scenario. Colgate-Palmolive also submits that the advertisement does not contain any overt or ambiguous treatment of sex and sexuality, that the TVC is well within prevailing community standards, is classified and programmed to air during time periods where such imagery would not generally be considered to be offensive or unusual, and the TVC therefore complies with section 2.3 of the Code.

2. Section 2.1: Advertising or Marketing Communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of [...] sex [...].

Colgate-Palmolive submits that the advertisement does not portray people or depict material in a way that discriminates against or vilifies a person or section of the community on account of one's gender or in a way which demeans either gender. The advertisement is for fragranced laundry products and is designed to appeal to a younger female market than traditional laundry product advertisements appeal to. It shows a classy and fanciful portrayal of an experience/concept and does not contain any express or implied suggestion of discrimination, vilification or exploitation.

3. Remaining sections of the Code

Colgate-Palmolive submits that the advertisement does not breach the remaining sections of the Code (sections 2.2, 2.4, 2.5, 2.6, 2.7 or 2.8), due to there being no violence in the advertisement, it is not marketing to children, the language used could not be considered inappropriate, strong or obscene and there is nothing in the advertisement that could contravene the Prevailing Community Standards on health and safety. In relation to sections 2.7 and 2.8, the product being advertised is not a motor vehicle or a food or beverage product.

We trust that the above information addresses all of the matters raised in the Complaint and will assist the Board in its determination.

THE DETERMINATION

The Advertising Standard Board ('the Board') considered whether the advertisement complied with the AANA Code of Ethics ('the Code').

The Board noted the complainant's concerns that this advertisement is demeaning to women and features unnecessary sexualised nudity and poses.

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

The Board first considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray or depict material in a way which

discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief.'

The Board noted that the advertisement features a woman taking off her black dress and washing it with Fluffy Fabric Conditioner because she is unable to find any perfume.

Consistent with previous decisions, the Board considered that showing a woman using a washing product does not mean that the product can and should only be used by women, and that the use of a woman doing washing does not in itself discriminate against women and is not demeaning to women.

Based on the above the Board determined that, in this instance, the advertisement did not depict any material that discriminated against or vilified any person or section of society. The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board then considered whether the advertisement complied with section 2.3 of the Code. Section 2.3 states: '...shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone'.

The Board noted that when the woman removes her dress we can see she is wearing black underwear. The Board noted the complainants concerns regarding the sexual nature of the advertisement. The Board considered that the tone of the advertisement was artistic rather than sexual and that it was reasonable in the context of the message of the advertisement to show the woman placing her dress in the washing machine, and it is a relatively small part of the advertisement with the focus on the woman's scent. The Board noted that the underwear the woman was wearing was not overly revealing and considered that the woman was not posing in a sexual or otherwise manner.

The Board determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and that it did not breach Section 2.3 of the Code.

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