



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0165/18
2	Advertiser	The Proactiv Company
3	Product	Health Products
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	11/04/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Physical Characteristics

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement shows shots of various people with acne, and various animated scenes showing how the product (blackhead gel) works on the skin. Scenes then show some testimonials and before and after photos of users. There are also several scenes of the offer (free postage, 60 day money back).

THE COMPLAINT

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

Statements like this are strongly suggestive and young people are possibly already struggling with acne let alone some company setting a cultural standard saying how "unattractive it looks".

I believe that statements like this in television advertisements may cause low self esteem in youth and a feeling of being a social outcast because of a medical issue they really have no control over.

THE ADVERTISER'S RESPONSE





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

I refer to the complaint received regarding the Proactiv Blackhead Dissolving Gel TVC, which aired on free to air TV from 1st November to 31st December 2017. Thank you for allowing us to respond.

Firstly, Proactiv Skin Health Pty Ltd (“we”) wishes to advise that this campaign has not been aired since 31st December 2017 and there are no plans in place to air the TVC again in its current format. However, we welcome all feedback such as this, as this allows us to continually review our advertising and take feedback into consideration for future advertising.

We take seriously our obligation to comply with relevant advertising requirements, and we have a number of internal compliance processes in place to ensure that all of our advertising complies with relevant regulatory and social standards.

CAD approval rating and reference number: G544PTCF | G

Description of advertisement:

The TV advertisement in question introduces our new product – the Proactiv Blackhead Dissolving Gel. The ad visually depicts the causes of blackheads being dirt and oil clogging the pores, and shows how the dissolving gel can penetrate the pore to remove these impurities and clear the pore. A transcript of the ad has been attached.

Response:

Proactiv Skin Health Pty Ltd is dedicated to providing quality products for people with acne prone skin, with many of our formulations being developed by dermatologists. We take seriously our obligation to provide products that achieve the desired outcomes of clear and improved skin, in an effort to help improve the quality of life of those who use our products. There is evidence to indicate that the earlier acne is managed the better the outcomes, and scarring (both physical and emotional) is significantly reduced. (References 1, 2) Accordingly, we disagree with the statement in the complaint that refers to acne sufferers having “no control” over their condition, as currently there are many effective options available for the treatment and management of acne, a condition affecting the majority of teenagers, in fact 85% of them.

It is important to note that the product being advertised is the Blackhead Dissolving Gel, and whilst this is not a treatment for acne as a whole condition, its specialised formulation makes it effective for removing blackheads. Blackheads are only one aspect of acne, which is often considered by many acne sufferers to be one of the most visually displeasing features of acne. Therefore, the intention was to specifically refer to blackheads as a visually displeasing feature of acne, and not to refer to acne sufferers as looking unattractive.



Indeed, the complainant writes “The advertisement showed a picture of a handsome young man...”, This indicates that the picture was not interpreted as a person who looked unattractive.

The complaint asserts a potential issue against the Code of Ethics section 2.1 (Discrimination or Vilification: Physical Characteristics). That section of the Code restricts advertising from portraying people or depicting material in a way which discriminates against or vilifies a person on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.

We do not believe that any of these protected attributes are present in relation to this advertisement. Indeed, the only potential attribute that is relevant would be "disability". However, in our view, suffering from acne should not be defined as a "disability".

Even if that is not correct, then the Code of Ethics Practice Note specifically states that a realistic depiction of people with a disability can be acceptable, even if the advertisement is upsetting to some members of the community, where there is an important message being delivered.

To the extent that acne could be treated as a "disability" then the portrayal of the man in the advert is realistic and delivers a message that the particular issue facing that person can be managed by use of a particular product.

The intention of the advertisement was to provide people with an effective solution for blackheads, a problem that we contend can be managed with the right product. The ad was intended to be watched as a whole to help viewers understand how the product may work for them.

As mentioned earlier, we welcome all feedback about our advertising, and whilst we do not agree with the interpretation of the complaint, we can assure you that this feedback will be taken into consideration for the development of future campaigns.

Lastly, we have also reviewed the Code of Ethics section 2.2 (Explorative or degrading), section 2.3 (Violence), section 2.4 (Sex, sexuality and nudity), section 2.5 (Language), section 2.6 (Health and Safety) and section 2.7 (Distinguishable advertising). We have also considered your practice note on the interpretation of the Code of Ethics. However, we cannot see that any of these sections could be potentially applicable to the complaints and have thus not provided a substantive response to each of these sections. Please advise us if you do see it differently and we will provide further details.

References:

1. Dawson AL, Dellavalle RP. Acne vulgaris. Bmj. 2013 May 8;346(7907):30-.



2. Thiboutot D, Gollnick H, Bettoli V, Dréno B, Kang S, Leyden JJ, Shalita AR, Lozada VT, Berson D, Finlay A, Goh CL. *New insights into the management of acne: an update from the Global Alliance to Improve Outcomes in Acne group. Journal of the American Academy of Dermatology. 2009 May 31;60(5):S1-50.*

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 complainant’s concerns that the advertisement discriminates against physical characteristics.

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

The Panel 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, gender, age, sexual preference, religion, disability, mental illness or political belief.'

The Panel noted the Practice Note to Section 2.1 of the Code which provides the following definitions:

“Discrimination – unfair or less favourable treatment

Vilification – humiliates, intimidates, incites hatred, contempt or ridicule”.

The Panel noted the complainant’s concern that the advertisement may cause people with acne to have low self-esteem and a feeling of being a social outcast.

The Panel considered the advertiser’s response that the intention of the advertisement was not to refer to acne sufferers as unattractive, but to specifically refer to blackheads as a visually displeasing feature of acne, which is considered by many acne sufferers to be the case.

The Panel also noted the advertiser’s response referring to the AANA Practice note, which states:

“A realistic depiction of people with a disability can be acceptable, even if the advertisement is upsetting to some members of the community, where there is an important message being delivered.”

The Panel considered the wording and presentation of the advertisement to be offering a remedy to acne and blackheads and considered that there was no suggestion in the advertisement that people who suffer from such skin conditions are



lesser members of the community.

The Panel considered the advertisement did not portray material in a way which discriminates against or vilifies a person on the basis of disability.

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