



Case Report

1	Case Number	0179/17
2	Advertiser	Chemist Warehouse
3	Product	Toiletries
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	26/04/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Gender

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a man and woman about to kiss, before the man pulls away and describes to the woman what being in a relationship with him is like.

THE COMPLAINT

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

Particularly denigrating to the female, sexist, extremely poor example of expectations that young women can expect from men, and terrible that this could be seen as a potential role model for young men. Is this someone our daughters can look forward to meeting?

THE ADVERTISER'S RESPONSE

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

In regards to the W rating we are informed that this was a result of the kissing and not the language contained in the advertisement.

The complainant appears to be suggesting the advertisement breaches section 2 of the Code specifically that the advertisement is in some way exploitative or derogatory.

In direct response to the complainants' deemed breach of Section 2 of the code, Chemist Warehouse respond as follows;

- *There is nothing in the advertisement that is sexually explicit*
- *There is no nudity nor sex in the advertisement.*
- *Nothing in the advertisement is exploitative nor degrading. The conversation referred to by the complainant is one where the male actor is referring to his actions not any expectations or actions he wishes for the female actor to perform and hence can not be seen as in any way exploitative or degrading toward her.*
- *The advertisement is not discriminatory nor vilifying of any member of the community.*
- *None of the language could be deemed offensive.*
- *Nothing in the advertisement could be seen to be contrary to prevailing health and safety practices and standards.*

In short Chemist Warehouse contend that any reasonable person could not infer that the advertisement is degrading nor exploitative nor in any other way in breach of Section 2 of the Code.

We will gladly provide the Bureau with further detail as and when required, though given the nature of the advertisement and the nature of the complaint we would not expect that anything more is required to enable the Bureau to dismiss the complaint upon review.

THE DETERMINATION

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

The Board noted the complainant's concerns that the advertisement is denigrating to women and portrays men in a poor way.

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

The Board 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 Board noted that this television advertisement features a man and a woman about to kiss. The man stops the kiss to explain to the woman what she can expect from a relationship with him. He mentions that he "will love you everyday, but he won't be here everyday." Images are shown of the man with his friends watching sport. At the end of the advertisement the couple kiss and the last image is of the cologne and the Chemist warehouse logo.

The Board noted that advertisement was reminiscent of a movie and the dramatic music added to the movie-like effect.

The Board noted the complainants concern that the advertisement is denigrating to women. The Board noted that the man is shown to make offers to the woman regarding the type of behaviour to expect from him and considered that there was no suggestion that all men would behave like this or that women would want or expect this behaviour.

The Board noted that man and woman are presented as equals in the advertisement and considered that the complainant's concerns were unlikely to be shared by the broader community

The Board considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of gender, men or women and did not breach Section 2.1 of the Code.

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