



Case Report

1	Case Number	0201/16
2	Advertiser	L'Oreal Australia Pty Ltd
3	Product	Toiletries
4	Type of Advertisement / media	TV - Pay
5	Date of Determination	11/05/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

This advertisement opens on a woman reaching across the bed to seek out/find her lover and, on noticing the man she loves is not there, she then reaches out for her perfume on the bedside table. She begins her search for her lover and her perfume.

She runs through the building and the streets of Shanghai and when she finally meets her love, it appears she might kiss him but instead she retrieves her perfume from him. The YSL branded perfume bottle is clearly displayed, and the camera zooms in on it.

THE COMPLAINT

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

This ad clearly purports to the addiction of a woman anxiously needing her opium spray from a dealer and sprays the perfume for relief! Disgusting that with drug addiction on the rise Yves St Laurent can stoop this low and worse still it's allowed to be aired!!! It's very clear the drug addiction theme is cleverly glamourised in this ad this is not simply my perception and surely I'm not the only complainant. I'm not a drug addict but I've been affected by drug addiction and this advert insults the viewer's intelligence I am highly offended by this advert and wonder how the hell it made it to our TV. I am also forwarding a complaint to my local member of parliament to raise awareness of the despicable correlation to drug addiction that

this advertisement clearly glamourises.

THE ADVERTISER'S RESPONSE

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

The Complaint itself alleges a breach of section 2.6 of the Code. We respond to this alleged breach in detail in section 5 below.

However, in Your Letter, you have requested that L'Oréal Australia does not limit its response to the Complaint as the Board will also review the advertisement in its entirety against Section 2 of the Code.

We have considered Section 2 of the Code and for the reasons set out below, L'Oréal Australia denies any allegations that the Advertisement breaches the Code.

2.1 - Discrimination or vilification

L'Oréal Australia does not believe that the Advertisement portrays people or depicts 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.

2.2 - Exploitative and degrading:

L'Oréal Australia does not believe that the Advertisement employs sexual appeal in a manner which is exploitative and degrading of any individual or group of people. In fact, the Advertisement seeks to depict a strong and confident female character whose independence prevails as she feels empowered to love her perfume more than she loves her boyfriend, and who is unafraid to reclaim her scent/identity.

2.3 – Violence

L'Oréal Australia submits that the Advertisement does not present or portray violence of any kind. As noted above, the Advertisement is a passionate love story.

2.4 - Sex, sexuality and nudity

L'Oréal Australia submits that the Advertisement does not present or portray sex, sexuality or nudity which would cause widespread offence. Any references to sex we believe are tasteful, consistent with a true love story and entirely aligned with fragrance industry standards.

2.5 – Language

L'Oréal Australia does not believe that the Advertisement employs any language in breach of the Code. As noted above, the script for the Advertisement is sparse.

5. Specific response to alleged breaches of the Code in the Complaint

2.6 – Health and Safety

L'Oréal Australia does not believe that the Advertisement depicts unsafe practices contrary to public health and safety.

Further to our description of the Advertisement in section 2 above, we note that the story for the Black Opium Advertisement is centred on a passionate love story with no connection to drug use or addiction. The story is a modern quest of a woman running through the streets of Shanghai to find the man she loves and the perfume he has taken from her. Fabrice Brovelli, Vice President of BETC has explained that, "This film is above all a metaphor of energy, seduction and passionate love." We enclose at Schedule 1 a signed statement from Mr Brovelli confirming the story of the Advertisement.

At the beginning of the film the woman reaches across the bed to seek out/find her lover and, on noticing the man she loves is not there, she then reaches out for her perfume on the bedside table. She realises her lover has disappeared with her perfume; he loves her and wants to keep an integral part of her with him, her scent. She begins her search for her lover and her perfume. There is nothing in the Advertisement, and it was not the intention of the Advertisement, to suggest that the woman is a drug addict waking in the night anxiously needing a fix and searching for a drug dealer.

She runs through the building and the streets of Shanghai in an energetic quest to find her lover and perfume. When she finally meets her love, it appears she might kiss him. There is no suggestion that that this man is a drug dealer, he is unmistakably her lover.

Instead of kissing her lover, she retrieves her perfume from him. The YSL branded perfume bottle is clearly displayed, and the camera zooms in on it, so the audience will see she has recovered her perfume.

Everything in the Advertisement, including the woman's actions, is designed to lead the audience to understand that she loves this man, but loves her perfume more. It was not the intention that the woman's actions simulate, glamorise or trivialise drug use or addiction.

At the end, having run through the streets of Shanghai, the woman is relieved to be reunited with her perfume, and sprays the perfume onto the base of her neck. In no way does it, nor was it intended to, suggest taking a fix or hit or any drug use. It is common practice in the fragrance industry to include this type of scene showing the use of perfume in ads. In this Advertisement the perfume is sprayed from a good distance away from her body. Equally importantly, her head (nose and mouth) is tilted up and away from the scent, which is directed at the base of her neck, so that there is no sense of the perfume being imbibed or of her taking a 'hit'.

At the end of the Advertisement the perfume bottle is clearly displayed, and the voiceover "Black Opium, the new feminine fragrance, Yves Saint Laurent", reinforces the central message that the woman was searching for her perfume, a core part of her identity, and which she loves even more than her lover. The final image the audience is left with is the very clearly branded YSL perfume bottle.

The imagery and techniques described were used to underpin the story of love and were in no way intended to suggest a drug induced state. The use of brief disjointed shots is a cinematic effect used to create tension and suspense in this love story.

Throughout the entire Advertisement, the woman portrays an incredibly calm demeanor. From the moment she awakes she looks fresh, bright eyed, clean, made-up, and in control. Through her calm, composed manner and clean appearance in no way does she project an image of a drug addict in need of a 'fix'.

6. Previous ASB decisions

L'Oréal Australia notes that the ASB has previously dismissed the following complaints in which section 2.6 of the Code was called into question by complainants:

- Sensory Lab "Coffee is a drug" Ad – 0418/12*
- Dior "I am not a girl; I am poison" fragrance Ad – 0111/16.*

7. The Complaint

The Advertisement has been aired on pay TV since 17 April 2016. The ASB has only received this one Complaint in relation to it.

We therefore query whether the sentiments expressed in this one Complaint are in fact representative of the views of the wider community.

In addition, we not received separate complaints about the Advertisement via our Consumer Affairs Department. Nor has Myer or David Jones, our partner retailers, received any complaints about the Advertisement to our knowledge.

We highlight that the complainant viewed the Advertisement at 10pm on the CI channel, being the Crime & Investigation Network, an Australian digital cable and satellite television channel which focuses on crime, investigation and mystery programming.

In terms of the complainant's specific reason for concern, we refer the Board to our detailed response in section 5 above, and refute the allegations that the Advertisement has a "very clear drug addiction theme" and is glamorizing drug addiction.

Rather, this Advertisement is typical of advertisements for fragrances and we believe the broader community would interpret the Advertisement in that context. It was prepared with a sense of responsibility to consumers and society. It was designed in accordance with the prevailing standards in the fragrance industry and we submit that it does not contain anything that is likely to cause serious or widespread offence or to condone or encourage drug use or addiction, or indeed otherwise breach the Code.

THE DETERMINATION

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

The Board noted the complainant’s concerns that the advertisement is suggestive of an addict needing her ‘opium spray’ from her dealer.

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

The Board considered Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted that the advertisement is highly stylised and considered that this is consistent with images used to promote perfumes.

The Board noted the complainant’s concerns regarding the portrayal of drug use, but considered that the central female figure in the advertisement is seen in numerous contexts, and at all times appears very much in control, looking for her perfume. The Board did not consider that the female projected an image of a drug addict, or that the man who has her perfume presented as a drug dealer. The Board considered that the overall message of the advertisement is to encourage people to buy the perfume and not to promote the use of illegal drugs. The Board considered that this was an unlikely interpretation of the advertisement but considered that even if there is an implied association with drug use due to the name of the perfume Black Opium, the perfume Opium is a well-known perfume which has been available in Australia for decades and there is no drug use or aftermath of drug use shown in the advertisement.

The Board considered that this advertisement did not depict material contrary to prevailing community standards on health and safety and determined that the advertisement did not breach Section 2.6 of the Code.

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