



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0201-20
2. Advertiser :	Bayer Australia
3. Product :	Health Products
4. Type of Advertisement/Media :	TV - On Demand
5. Date of Determination	8-Jul-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification
AANA Code of Ethics\2.4 Sex/sexuality/nudity
AANA Code of Ethics\2.5 Language

DESCRIPTION OF ADVERTISEMENT

This television on demand advertisement features Australian YouTube entertainers “SketchShe” onboard a fictional airline “SketchShe Airlines”. They dance with passengers to a choreographed routine and sing:

Come on jet setters let’s unite!
And take this test while we’re in-flight!
Gotta look out for your coochie coo
Vaginal health should never be taboo!”

THE COMPLAINT

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

This ad does nothing to de-stigmatise women's gynaecological care, and probably achieves the opposite. Using bizarre American euphemisms for vulva/vagina, and adding an inappropriate veneer of hyper-sexuality to a common but not insignificant infection affecting women is inappropriate. I'm also a little unclear on why an in-flight crew are a purported to be a reasonable source of expertise on assessing the vaginal microbiome.

The issue here is not with the advertising of products relevant to women's healthcare, but the way this has been done is dreadful.



Seriously if you need to use it you're not acting like that. Flight attendants have enough stereo types to not need this rubbish, it is loud and in your face and not appropriate

It has a song and some disturbing dance moves regarding vaginas. It's so not appropriate. My children should not have to hear or see things like that. Maybe late at night but it's totally not appropriate to even be on tv.

THE ADVERTISER'S RESPONSE

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

Background

Your letter states that in addition to considering the specific issues raised by the complainant/s, the Advertising Standards Board will review the advertisement against section 2 of the AANA Code of Ethics (Code). In this regard, you have asked us to consider whether any issues within the advertisement fall within section 2 of the Code.

In our view, after reviewing the complaints provided in your letter, the sections of the Code that are potentially relevant are:

Section 2.1 Discrimination or Vilification, which provides that Advertising or Marketing Communication 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 race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.

Section 2.4 which provides that Advertising or Marketing Communication shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

Section 2.5 Inappropriate Language, which provides that Advertising or Marketing Communication shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided.

Bayer's response to the complaint

At Bayer, we are committed to educating consumers on health topics in an accessible way. In this specific case, the campaign idea was developed to address taboos relating to thrush, a condition that affects 3 out of 4 women at least once in their lifetime¹. Research further revealed that almost half (46%) of Australian women admitted they would not ask for advice from a pharmacist or GP on vaginal health concerns, as it is too embarrassing². This can result in misdiagnosis and incorrect treatment.



The advertisement is a sequel to an original campaign for Canesten that has received multiple awards for the way it has broken down misconceptions about thrush in an entertaining and approachable way. The same all-female Australian YouTube entertainers 'Sketchshe' feature in the follow up commercial, which has proven effective in targeting a young female demographic. This is an important objective as research shows they are less likely to seek treatment due to embarrassment and perceived judgement of personal hygiene and sexual activity².

While we are disappointed that the complainants feel offended in any way, our focus is on empowering women to feel more in control of their intimate health and less alone when suffering from conditions such as thrush. Notwithstanding these two complaints, engagement with this campaign has been very positive, indicating the effectiveness of the messaging in addressing these concerns for women. The campaign has been in market for almost 10 months, and has generated over 1,325,632 total views with overwhelming positive sentiment.

The principle audience reached as per our objective was females aged 18-34 years. This is an important outcome as first time (younger) sufferers tend to wait longer before seeking out a treatment (1/3 say they waited 3 days or more)³. Over a third (34%) of women aged 18-24 mistakenly believe that vaginal yeast infections can be associated with having sex too frequently².

In regards to the complaint that airline hostesses were featured in an inappropriate way, the advertisement portrays women speaking in a confident and open way about their intimate health to address the issue of taboos. The Canesten Vaginal pH Self Test is only available at pharmacies, where women can receive advice from trained healthcare experts.

In regards to the complaint of offensive language we believe it is acceptable for an advertiser of thrush treatments to use euphemisms for vagina / vulva due to the direct correlation with the product. Our belief is that the terms are acceptable in context and in line with modern language expectations.

At Bayer we take complaints about any of our advertisements seriously. However, we believe this commercial is compliant with code section 2.4 and the advertisement is sensitive and respectful to relevant audiences.

Thank you for bringing this feedback to our attention for consideration.

1 Sobel. JD. Lancet 2007; 369: 1961-71.

2 Buchan Intimate Knowledge Media Outreach Survey, 2019 (n = 1000 Australian women aged 18-45)

3 FiftyFive5 Canesten U&A 2013.



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:

- Stereotypes flight attendants
- Uses American euphemisms for vulva/vagina
- Is inappropriately hyper-sexualised
- Is not appropriate to be viewed by children

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 considered that the complainants' concern that the advertisement stereotypes flight attendants.

The Panel noted that occupation is not a category under Section 2.1 of the Code, however considered that the flight attendants depicted are female and that the stereotype that the complainant is referring to is most likely about female flight attendants. The Panel considered whether the advertisement portrays material in a way which discriminates against or vilifies a person or section of the community on account of gender.

The Panel considered that the advertisement was intended to treat a sensitive topic about an uncomfortable medical condition in a way which is fun, light-hearted and attracts attention.

The Panel considered that the advertisement does not trivialise the condition, rather it is making the statement that 'vaginal health should never be taboo'.

The Panel considered the women in the advertisement were depicted as highly stylised pilots, rather than flight attendants, and that their studded costumes were consistent with the music video style of the advertisement. The Panel considered that



two flight attendants were depicted as back-up dancers in the video, and that they were dressed appropriately and were not the focus of the advertisement.

The Panel considered that the advertisement does not depict the women in the advertisement or women in general in a manner that is unfair nor in a manner that would be likely to humiliate or incite ridicule on the basis of gender or occupation. The Panel determined that the advertisement does not discriminate against or vilify a person or section of the community on account of gender or occupation.

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 considered whether the advertisement contained sex, sexuality or nudity.

The Panel noted the Practice Note for the Code states:

“Images which are not permitted are those which are highly sexually suggestive and inappropriate for the relevant audience. Explicit sexual depictions in marcomms, particularly where the depiction is not relevant to the product or service being advertised, are generally objectionable to the community and will offend Prevailing Community Standards.”

The Panel noted the complainants’ concerns that the advertisement is inappropriately hyper sexualised and is not appropriate to be viewed by children.

The Panel considered whether the advertisement depicted sex. The Panel noted the dictionary definition of sex most relevant to this section of the Code of Ethics is ‘sexual intercourse; sexually stimulating or suggestive behaviour.’ (Macquarie Dictionary 2006).

The Panel considered that there is no depiction of sexual intercourse, sexual stimulation or suggestive behaviour and that the advertisement as a whole did not contain sex.

The Panel considered whether the advertisement depicted sexuality. The Panel noted the definition of sexuality includes ‘sexual character, the physical fact of being either male or female; the state or fact of being heterosexual, homosexual or bisexual; sexual preference or orientation; one’s capacity to experience and express sexual desire; the recognition or emphasising of sexual matters’. The Panel noted that the use of male or female actors in an advertisement is not of itself a depiction of sexuality.

The Panel considered that the topic of vaginal health is a depiction of sexuality, as it is a physical fact of being female.



The Panel considered whether the advertisement contained nudity and noted that the dictionary definition of nudity includes 'something nude or naked', and that nude and naked are defined to be 'unclothed and includes something 'without clothing or covering'. The Panel considered that the Code is intended for the Panel to consider the concept of nudity, and that partial nudity is factor when considering whether an advertisement firstly contains nudity and secondly treats that nudity with sensitivity to the relevant audience.

The Panel noted that the three women dressed as pilots in the advertisement were depicted wearing white business shirts with the buttons undone to reveal studded corsets underneath. The Panel considered that the women were fully covered and that all other people depicted in the advertisement were also dressed appropriately. The Panel considered that the advertisement did not contain nudity.

The Panel considered whether the advertisement treated the issue of sexuality with sensitivity to the relevant audience.

The Panel considered the meaning of 'sensitive' and noted that the definition of sensitive in this context can be explained as indicating that 'if you are sensitive to other people's needs, problems, or feelings, you show understanding and awareness of them.'
(<https://www.collinsdictionary.com/dictionary/english/sensitive>)

The Panel considered that the requirement to consider whether sexual suggestion is 'sensitive to the relevant audience' is a concept requiring them to consider who the relevant audience is and to have an understanding of how they might react to or feel about the advertisement – the concept of how subtle sexual suggestion is or might be is relevant to the Panel considering how children, and other sections of the community, might consider the advertisement.

The Panel noted that this advertisement was on TV on Demand and that the relevant audience was people watching catch up television. The Panel considered that the relevant audience would be broad and would include children.

The Panel considered that the women in the advertisement were dressed appropriately and were acting in a manner consistent with a music video. The Panel considered that the women in the advertisement were not seen acting in a sexualised manner.

The Panel considered that the product is a test for vaginal ph balance and that it is appropriate for the advertiser to mention vaginal health in an advertisement for a product of this nature.

The Panel considered that the references to vaginal health are not explicit, and are done in a way to treat an uncomfortable topic in an open and light-hearted way. The Panel considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience.



The Panel determined that the advertisement did not breach Section 2.4 of the Code.

The Panel considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: “Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided”. The Panel noted the complainant’s concern that the advertisement used American euphemism for a vagina/vulva.

The Panel noted the advertiser’s response that it is appropriate to use euphemisms for a vagina/vulva in an advertisement for vaginal health products. The Panel noted that the Americanisation of the Australian language is not an issue under the Code.

The Panel noted that the advertisement uses the terms ‘coochie coo’ and ‘vaginal health’.

The Panel noted it had previously considered that advertisements which use the term ‘vagina’ when referring to female genitalia in a way which is not sexualised or demeaning is language which is appropriate in the circumstances (0152-20, 0382-19, 0119-17 and 0018-15).

Consistent with previous decisions, the Panel considered that the terms ‘coochie coo’ and ‘vaginal health’ were not used in a sexualised or demeaning manner, and were not inappropriate in the circumstances of promoting products related to women’s health.

The Panel determined that the language was not strong or obscene or inappropriate for the circumstances and did not breach Section 2.5 of the Code.

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.