



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0208/16</b>
<b>2</b>	<b>Advertiser</b>	<b>Unilever Australasia</b>
<b>3</b>	<b>Product</b>	<b>Toiletries</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>11/05/2016</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.4 - Sex/sexuality/nudity S/S/N - general

## DESCRIPTION OF THE ADVERTISEMENT

The advertisement opens with the camera focused on two large billboards. One billboard depicts a male underwear model; the other depicts a blockbuster action hero - both men are shirtless. The scene then pans to a young man sitting in a car with a woman. The advertisement then shows a series of scenes with voiceover highlighting attributes of each person: one man struts down the street wearing a stylish suit and a cowboy hat; another man is break-dancing on his treadmill at the gym; a man with vivid red hair psyches himself up in the bathroom of a club; a transgender person dances flamboyantly in a pair of high heel shoes; a man in a wheel chair spins around a dance floor with his new wife; two men catch each other's gaze while looking through mildly suggestive second hand books; a boyfriend and girlfriend run from riot police while protesting for a worthy cause; a man opens the door of his cheap car for his girlfriend; a chef is making pizza; a mathematician finishes a complicated equation on a chalk board; a woman is shown lying on a bed (only her head and shoulders are visible); a bearded hipster is shown patting two kittens. The voiceover invites consumers to find and amplify their special trait. The words "FIND" "YOUR" "MAGIC" are then emblazoned on screen.

## THE COMPLAINT

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

*When the man picks up a woman, it shows her face as she is having an orgasm. I don't really see why pornography needs to be represented on mainstream TV.*

*As a parent, I was offended by the part where a woman was in bed and looked like she'd just had sex, even though it was brief I felt that it shouldn't have been put in the advertisement or aired at that time slot.*

*There is a section when a woman grabs a pillow in ecstasy and she is in bed. This is sexist and derogatory toward females. It suggests that women will be in ecstasy if the man uses Lynx. It strongly suggests an orgasmic woman. There is no need for this content. It is offensive.*

## **THE ADVERTISER'S RESPONSE**

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

*LYNX Male Grooming Television Commercial*

*Complaint Reference No. 0208/16*

*Your letters enclose five complaints (Complaints) made to the Advertising Standards Bureau (ASB) in relation to a Unilever Australia Limited (Unilever) television commercial promoting LYNX male grooming products (TVC).*

*You have requested Unilever to respond to the Complaints.*

*For the reasons outlined below, Unilever does not consider the TVC to be contrary to the Code of Ethics (Code).*

### *1. The Complaints*

*The Complaints all relate to Scene 13 of the TVC (see Annexure A). The Complaints are as follows:*

*(1) "There is a section when a woman grabs a pillow in ecstasy and she is in bed. This is sexist and derogatory toward females. It suggests that women will be in ecstasy if the man uses Lynx. It strongly suggest an orgasmic woman. There is no need for this content. It is offensive";*

*(2) "One of the scenario's suggested a sexual nature (woman experiencing sexual activity.) I was offended by this even though it only lasted a few seconds but find it very inappropriate for this time slot especially on a weekend and children could be watching. 2.15pm";*

*(3) "One part of the ad refers to having 'the touch' referring to sexual prowess/desirability that is demeaning to women, unnecessary, and offensive. I would ask that this be reviewed with these considerations";*

(4) *“As a parent, I was offended by the part where a woman was in bed and looked like she'd just had sex, even though it was brief I felt that it shouldn't have been put in the advertisement or aired at that time slot”;*

(5) *“[O]ne particular scene has a woman clearly in a sexual position - the ad implies a man using Lynx will be able to excel at all activities including this - lynx ads are usually sexist in nature and this was extremely uncomfortable to watch at 6 pm prime time with the kids around. there is no need to advertise your products and link everything to sexual innuendos - the whole product is frankly inferior and this seemingly desperate and tacky ad is not improving their reputation as a brand - will definitely not be buying this for my partner”.*

## 2. *The TVC*

*Unilever is currently broadcasting 30 and 60 second versions of the TVC on free-to-air and subscription television and a 60 second version via YouTube. Both versions of the TVC contain Scene 13, being the scene the subject of the viewer complaints.*

### *Script*

*A copy of the script (with accompanying screenshots) for the 30 second version of the TVC is annexed and marked “A”. A reference to “Scene 13” in this letter is a reference to the corresponding scene depicted in Annexure A.*

*A copy of the 60 second version of the TVC is available via the Lynx Australia channel on YouTube: <https://www.youtube.com/watch?v=EQoRFRMkHdY>.*

### *Description*

*The TVC opens with the camera focused on two large billboards. One billboard depicts an archetypal male underwear model; the other depicts a classic Hollywood-blockbuster action hero. Both men are shirtless with defined pectoral and abdominal muscles.*

*The voiceover challenges these stereotypical images of male attractiveness and masculinity with the words “Who needs a six pack, when you got the nose?”*

*The scene then pans to a young man with a large nose. The young man is sitting in a car with a beautiful woman. He is confident and comfortable with the appearance of his nose, and so is the woman.*

*The TVC then shows various men proudly displaying their unique features or attributes: one man struts down the street wearing a stylish suit and a cowboy hat; another man is break-dancing on his treadmill at the gym; a man with vivid red hair psyches himself up in the bathroom of a club; a transgender person dances flamboyantly in a pair of high heel shoes; a man in a wheel chair spins around a dance floor with his new wife; two men catch each other's gaze while looking through mildly suggestive second hand books; a boyfriend and girlfriend run from riot police while protesting for a worthy cause; a man opens the door of his cheap car for his girlfriend. The voiceover identifies each man's unique feature or attribute.*

*The TVC cuts to a series of much shorter scenes: a chef is making pizza; a mathematician finishes a complicated equation on a chalk board; a woman is shown lying on a bed (only her head and shoulders are visible); a bearded hipster is shown patting two kittens. Again, the voiceover identifies each characters' unique feature or attribute.*

*The TVC reverts to the man with the large nose. The voiceover invites consumers to find and amplify their special trait. The words "FIND" "YOUR" "MAGIC" are then individually and boldly emblazoned on screen.*

### *Classification*

*Commercials Advice (CAD) has approved and classified 30 second and 60 second versions of the TVC as "P" (Parental Guidance Recommended). Unilever's media booking agency has confirmed the TVC has always been booked and broadcast in accordance with that classification.*

### *3. The Code*

*LYNX is a brand with a history of fun, playful advertising. LYNX also has a proud history of award winning commercials which both entertain and surprise its consumers. The TVC continues this tradition.*

#### *Section 2.1*

##### *General Response*

*Unilever submits that the TVC does not portray people or depict material in a manner that 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 TVC challenges stereotypes of attractiveness and masculinity by identifying and celebrating men that are proud and confident of their unique features and attributes. No more "must have", "must-be" fashion norms or body standards pushed by celebrity and mass media. The TVC reminds men that they are most attractive when they are themselves and invites men to discover and amplify "what make you, you".*

*This positive social message has been recognised by many consumers in Australia that have viewed the TVC via the Lynx Australia You Tube channel. Consumer comments include:*

*(1) "Nice work on creating an add that is entertaining and effective at helping people feel better about themselves";*

*(2) "[It] uses a-typical looks and forms of enjoyment. This is really positive for people who know how to use self-confidence. (That looks good on anyone. o.-)";*

*(3) "This ad came before a video I was watching. And let me say, I never watch the entire ads if I can skip them. But I watched this one, and then REWATCHED it because this is the greatest ad ever. It's so inclusive and positive";*

(4) *“Don't focus on what you think might be weaknesses, focus on your strengths and freakin' ROCK THOSE STRENGTHS! And wear lynx...”;*

(5) *“This ad is literally amazing, one of the few men's ads that completely rejects male fashions norms. Great work!”; and*

(6) *“I'll be honest. I've always hated Lynx ads with a fire of a thousand suns. I couldn't bare to watch a whole one through. They were (in my opinion) truly awful and quite sexist. I'd always change the channel or leave the room when one came on TV. But I like this, love it in fact. Excellent decision to change your direction/image. Please continue down this path in the future :)”.*

*Unilever does not believe the words and imagery used to convey this social message in the TVC discriminate or vilify any person or section of the community in any way.*

### *Response to Complaints*

*Unilever disagrees that Scene 13 is sexist, derogatory, offensive and demeaning to women. The scene shows a woman lying on a bed (with only her head and shoulders visible). No other person (male or female) is shown in the scene.*

*Scene 13 is fleeting and the innuendo conveyed by the scene is playful. The woman is not portrayed or depicted as a sexual object or conquest and she is not shown chasing after or fawning over a man.*

*The TVC conveys a strong social message – people are most attractive when they are themselves. This social message transgresses sexual preference and gender – the TVC identifies the unique features and attributes of heterosexual and homosexual men and transgender persons alike.*

*In the overall context of the TVC, Unilever respectfully submits that Scene 13 cannot be regarded as discriminating or vilifying women on the basis of their gender.*

### *Advertising Standards Authority Decision*

*The Advertising Standards Authority (ASA) recently dismissed a similar complaint about this TVC in New Zealand. In relation to the overall positive messaging in the TVC, the ASA stated:*

*The Complaints Board considered the advertisement in relation to the context, medium, audience and product. It noted the overall positive messaging of the advertisement encouraging men to be themselves ... The Complaints Board said the advertisement was promoting personal grooming and hygiene product, for which there was an acceptable standard for the portrayal of sexual appeal.*

*Unilever respectfully submits that the ASA correctly dismissed the complaint.*

### *Section 2.2*

*Unilever submits that no aspect of the TVC employs sexual appeal in an exploitative or*

*degrading manner contrary to section 2.2 of the Code.*

### *Section 2.3*

*Unilever submits that no aspect of the TVC portrays or presents violence in a manner contrary to section 2.3 of the Code.*

### *Section 2.4*

#### *General Response*

*CAD approved and classified the TVC as “P” (Parental Guidance Recommended). “P” classified commercials may contain the careful presentation of adult themes or concepts which are mild in impact and remain suitable for children to watch with supervision. Unilever’s media booking agency has confirmed the TVC has always been placed in programming and at times that comply with the classification prescribed by CAD.*

#### *Response to Complaints*

*Unilever disagrees that the TVC shows sex, sexuality or nudity without sensitivity to the relevant audience.*

*Scene 13 shows a woman lying on a bed. Only the woman’s head and shoulders are visible and no other person (male or female) is shown in the scene.*

*While adult viewers may pick-up on the playful innuendo conveyed by the scene, Unilever notes there is no overt, inappropriate or offensive nudity or sexual activity shown in the TVC. Further, even if the ASB regards Scene 13 as mildly suggestive of nudity or sexual activity, Unilever submits that it is conveyed appropriately and with sensitivity to the relevant audience.*

#### *Advertising Standards Authority Decision*

*As noted above, the ASA recently dismissed a similar complaint about this TVC in New Zealand. The ASA made the following comments about the appropriateness of the programming and times for the TVC:*

*The Complaints Board noted the response from the Commercial Approvals Bureau (CAB) which said, in part: “a GXC classification prevents an ad from playing during programmes that are intended for children. Lynx grooming products include barber-style pomade and cologne, so their target audience is an identifiably older demographic – from young men upwards.” The CAB also noted the diverse range of people represented in the advertisement...*

*The Complaints Board considered the advertisement in relation to the context, medium, audience and product. It noted the overall positive messaging of the advertisement encouraging men to be themselves and noted it had played during a program which dealt with adult themes and sexual innuendo [i.e. The Simpsons] which was predominately viewed by adult audiences. The Complaints Board said the advertisement was promoting personal grooming and hygiene product, for which there was an acceptable standard for the portrayal*

*of sexual appeal.*

*The Complaints Board acknowledged that children may be amongst the viewing audience of The Simpsons, however, it said the fleeting scene in the advertisement of the woman's head and shoulders in bed, was in line with the content of the programme and was unlikely to be interpreted by a child in the same way as an adult may. It also took into account there was no nudity and only a brief suggestion of a sexual act. Therefore, taking into account the fleeting nature of the scene within the overall context and likely audience of the advertisement, the Complaints Board said it did not reach the threshold to offend against prevailing community standards or cause serious or widespread offence.*

*Unilever submits that the TVC does not show any sex, sexuality or nudity without sensitivity to the relevant audience and further respectfully submits that the ASA correctly dismissed the complaint in New Zealand.*

#### *Section 2.5*

*Unilever submits that there is no inappropriate or explicit language in the TVC.*

#### *Section 2.6*

*Unilever submits that that the TVC does not depict material contrary to prevailing community standards on health and safety.*

#### *4. Conclusion*

*Unilever submits that the TVC is well within prevailing community standards and complies with 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 complainants' concerns that the advertisement is demeaning to women, objectifies women and is sexually explicit, shows a woman experiencing an orgasm which is not appropriate for children to view and is not appropriate to show on television.

The Board viewed 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 the complainants' concerns that the advertisement is demeaning and disrespectful to women. The Board noted the theme of the advertisement is men who can do

anything if they wear Lynx deodorant. The Board noted the scene where the voiceover talks about ‘having the touch’ and we see a woman writhing on a bed. The Board noted that this scene is very brief and considered that the woman is not presented as inferior to men or in a manner which discriminates or vilifies women. The Board considered that the theme of the advertisement is about men achieving their goals and that a goal of finding a suitable woman is not inappropriate and that in this advertisement the women are depicted as desirable for the men but in the Board’s view this is not a depiction that women are objects. The Board noted the other scenes featuring women and considered that they are presented in an equal light to the men in the advertisement.

The Board noted that the men featured in the advertisement have a wide range of looks, abilities and lifestyle choices, for example many of the men do not have traditional model looks, a man in a wheelchair is shown dancing with a woman seated on his lap and one man is partaking in a dance competition wearing shorts and high heeled shoes, and considered that the advertisement presents the men, as well as the women, in a positive and inclusive manner.

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.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: “Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.”

The Board noted the complainants’ concerns that the advertisement objectifies women.

The Board noted that in order to be in breach this section of the Code the image would need to use sexual appeal in a manner that is both exploitative and degrading.

The Board noted the scene where a woman is writhing on a bed. The Board noted that woman’s body is covered by a sheet and considered that the level of nudity was very mild and in the Board’s view the woman is not presented in a manner which is exploitative based on her sexual appeal. The Board noted that the voiceover makes reference to ‘having the touch’ and considered that as the theme of the advertisement is men being told what they have and what they can do it is not unreasonable to interpret the woman’s actions as being a result of the (unseen) man’s actions. The Board noted that we do not see a man in this brief scene, and the meaning of ‘the touch’ is open to interpretation. The Board considered that regardless of the meaning behind the woman’s actions the manner in which she is portrayed in the advertisement is not degrading either to her specifically or to women in general.

The Board considered that the advertisement did not employ sexual appeal in a manner which is exploitative and degrading to any individual or group of people.

The Board determined that the advertisement did not breach Section 2.2 of the Code.

The Board then 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 Board noted the complainants’ concerns over the scene showing a woman in bed experiencing an orgasm.

The Board noted that the voiceover makes reference to ‘having the touch’ and considered that the man is not visible during this brief scene. The Board acknowledged that adults would understand what this scene is intended to represent but considered that it is open to interpretation.

The Board noted the complainants’ concerns about the timing of the advertisement, in particular its airing during the movie, “How to tame your dragon” at 7.15pm and during a Saturday afternoon at 2.15pm. The Board noted that the advertisement had been rated ‘PG’ by CAD and considered that in the context of a series of fast moving scenes depicting a variety of scenarios and situations the brief scene of a woman on a bed alone, covered by a sheet, does treat the issue of sex, sexuality and nudity with sensitivity to the relevant viewing audience.

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

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