



Case Report

1	Case Number	0213/13
2	Advertiser	Kimberly-Clark Aust Pty Ltd
3	Product	Toiletries
4	Type of Advertisement / media	TV
5	Date of Determination	10/07/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The advertisement opens on the presenter (Alex Wileman), dressed in an evening dress.

Alex asks, "Did you know many Australian men and women experience incontinence? I could- and you'd never know. Because I'd wear new Depend Real-Fit. And you'd never know. Want me to prove it?"

Alex then removes her dress and the camera zooms in on the product followed by an animated close-up of the product fabric.

The advertisement closes a pack shot of the Real-Fit Men and Real-Fit Women products with the super: "FREE SAMPLE at depend.com.au or call 1800 800 804."

THE COMPLAINT

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

17:40pm is not the time that a TV channel should be showing a women undressing to show that she is wearing continence underwear.

This is such poor taste seeing a mature woman or any woman having to strip for an advertisement. It is demeaning and degrading.

THE ADVERTISER'S RESPONSE

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

Before addressing the substantive issues, Kimberly-Clark Australia would like to make clear that both our employees and our advertising agencies are acutely aware of our responsibility to the community in relation to the standard of our advertising and as such we take any complaints seriously.

The advertisement was developed to launch Depend Real-Fit urinary incontinence underwear, which has been specifically designed to offer the wearer discretion through its slim fit design, whilst maintaining high levels of performance and comfort.

The advertisement aims to demonstrate that new Depend Real-Fit is close in form and fit to real underwear, and therefore discrete, so that women who suffer from incontinence can feel feminine and confident whilst wearing the product. Central to demonstrating the discretion offered by the product was the depiction of a woman in a flattering evening dress, who proceeds to remove her dress to reveal that she is (unexpectedly) wearing Depend Real-Fit underwear. The tone was intended to be empowering but also to be empathic and respectful to our consumers and potential consumers.

Prior to launching an advertising campaign and in line with our desire to market our products responsibly and in a way that does not offend, we undertake extensive qualitative testing which informs the production of our advertisements. The clear feedback received from consumers in the development process was that they needed to see a compelling demonstration of the product in order to properly appreciate how innovative it is, when compared to traditional incontinence underwear. Put differently, Depend had to clearly communicate the new product's slim design and features.

We also took considerable measures in developing the advertisement to ensure that the tone was tasteful and sensitive, and in so doing focussed on delivering a message in a factual but bold and confident way. Given that the target audience for this advertisement was the mature female population, it was of utmost importance to us that it not discriminate against, degrade or demean that audience in any way whatsoever.

Following the launch of the advertisement, we have not been made aware of any other feedback consistent with this complaint. On the contrary, we have received overwhelmingly positive feedback, including to the effect that the advertisement made women with incontinence feel empowered. Formal research has also been undertaken which shows that consumers have responded well to the advertisement, indicating that it was interesting, distinctive, gentle and involving. This consumer feedback reinforced our view that the advertisement successfully highlighted the innovative design and features of the product.

For the reasons stated above, we respectfully suggest that this advertisement objectively does

not contravene Section 2.1 of the AANA Advertiser Code of Ethics nor does it offend against any other aspects of the Code.

Kimberly-Clark Australia markets numerous products and maintains the highest standards possible in promoting those products. We are serious about being a responsible corporate citizen and are always mindful that our advertising, or any other communication, should be acceptable to community standards.

For the reasons stated above, respectfully, the complaint should be dismissed in its entirety.

Kimberly-Clark is pleased to have had the opportunity to respond to this complaint and to confirm its support for the ASB and the codes to which it is subject.

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 and degrading to women in its depiction of an older women stripping off to show her incontinence pants, and that the stripping is not necessary.

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 that the advertisement features a well-known TV host describing the features of Depend incontinence pants and that she removes her dress to prove that she is wearing them.

The Board noted the complainant’s concerns that it is in poor taste to see a mature woman “having to strip for an advertisement” and considered that in the context of an advertisement which is highlighting the discreet nature of incontinence pants, the depiction of the woman removing her dress to prove that the pants are not visible beneath clothing is not in poor taste or inappropriate.

The Board noted that the woman used in the advertisement is mature and considered that the target market of the product would also be mature women or men. The Board considered that whilst there is a similar product for men, shown on screen at the end of the advertisement, it is not of itself discriminatory to use a woman to advertise the women’s version of the product. The Board considered that the depiction of the presenter wearing the product was intended to de-mystify the wearing of incontinence pants.

Based on the above the Board determined that, in this instance, that the advertisement did not depict any material that discriminated against or vilified any person or section of society. 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 2.4 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 that when the woman removes her dress she does so in a manner which is not sexualised and considered that the overall impression is that the woman is empowered and in control. The Board noted that the Depend pants and singlet top that the woman is shown to be wearing under her dress cover her private parts and considered that the level of nudity shown is not inappropriate in the context of an advertisement played during the day when children could see it.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant 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.