



Case Report

1	Case Number	0241/13
2	Advertiser	Kimberly-Clark Aust Pty Ltd
3	Product	Toiletries
4	Type of Advertisement / media	TV
5	Date of Determination	24/07/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The television advertisement (TVC) opens on a series of shots of young women doing all sorts of exercise including running, pilates and boxing. These shots are dramatic and show exercise in the most positive of light. The voiceover is as follows: "89 percent of you say sweat is good. 81 percent say sweat patches are not."

Visuals showing a sweat patch on a young woman's groin are shown and this is followed by a series of shots of young women trying to cover such sweat patches.

The voiceover goes on to say: "U by Kotex Sports Liners are specifically designed for sport - with a sweat-dry core to help wick away moisture. So you can sweat, without sweating it. Grab your free sample at U by Kotex"

The final scene shows the same a young woman as shown earlier in a dance class with a now sweat-free crotch, dancing with confidence. This is followed by a pack shot.

THE COMPLAINT

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

I'm sure they can get the message across without showing all that sort of stuff.

How rude and embarrassing to women.

I feel repulsed by this ad. There are at least 4 different women doing exercises with big wet patches in their crotch.

I don't need to have women's wet crotches gyrating in my face while I'm eating dinner, or just enjoying one of my programs.

Please get rid of this ad.

It says that women sweating whilst exercising are something to be embarrassed about and that we need a product to prevent us shaming ourselves. Contrary to the fact that men sweat all the time during exercise and that is ok, they don't seem to need a pad to make them feel good about themselves.

My kids 5, 9 and 11 were watching the TV show "The Mole" and very intense adult issues and images were seen. I felt it was an absolute disgrace that this was shown during times when young kids are watching. I was very embarrassed and had my kids confused, asking questions about these issues which they are too young to understand. If Ch7 keep placing these ads I'll be forced to take further action through the parliamentary process. This is the first time I've ever complained, and am so disappointed at Ch7 for allowing this kind of disgraceful advertising in children's allotted time. Myself and my wife also found it offensive, however I am more concerned for the kids.

I find sweaty vaginas an unnecessary addition to my dinner viewing.

Indeed this is a product which surely fills a need hitherto irrelevant to anyone who wears underwear.

As a male with young children this ad is extremely offensive, shown at 7:40pm this ad depicts the sweat patches of a female vagina and a product to remedy this.

I was offended as this ad as the product does not need to be shown at this hour of night, the image is a personal matter for females and males and young children do not need exposure to this.

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.

We note the various complaints that the TVC does not comply with Sections 2.1 – (Discrimination or Vilification Gender) and 2.4 – (Sex/sexuality/nudity) of the

AANA Advertiser Code of Ethics (the Code) and specifically that the TVC is not suitable for airing in the early evening when young children may be exposed to the TVC or when people

are eating.

Section 2.1 requires that Advertising or Marketing Communications 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 requires that Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

We respectfully submit that we have not contravened the sections mentioned previously and that it is not inappropriate to air the TVC within the times permitted under our CAD PG rating.

CAD Rating

The first point that we would like to make is in respect of the relevant audience. This TVC has been approved by Commercials Advice Pty Ltd (CAD), as evidenced by the approval referred to above. It received a PG rating by CAD which we submit was the appropriate rating and we have complied fully with that rating. Television commercials falling within this designation contain careful presentation of adult themes or concepts which are mild in impact and remain suitable for children to watch with supervision during prescribed periods. We have complied with the relevant guidelines and in accordance with our media buying agency sought to flight the TVC during spots that we would reach our intended demographic, young women aged 16 to 30 years. In the context of this CAD rating, we would strongly argue that the content and subject matter, being feminine hygiene, of this TVC is not inappropriate for the relevant audience at the time specified.

Content and visuals

Secondly and in respect of the TVC itself, it was developed to address a common issue experienced by many women who engage in exercise; namely, sweat patches, and deliver a solution for this issue which we understand from consumer research, is a genuine concern for young women who engage in exercise. The findings of initial consumer research conducted with 400 women between 16-24 years revealed that 81% believe that sweat patches are an issue. Of the women who participated in the research, 98% also agreed with the statement "I do not want to be seen in public with sweat patches on my clothes".

The depiction of sweat patches and the awkward situations and expressions of self-consciousness the young women in the TVC are intended to mirror the feelings that we understand from our research arise in connection with such sweat patches rather than to be any attempt (intended or otherwise) to make women feel less happy about themselves; the U by Kotex Sports Liners are a means of allowing women to feel fresh during exercise and help wick away sweat that might otherwise be a concern for women wearing tight fitting work out apparel.

Tone

Thirdly and in line with the tone and approach taken by the brand over a number of years, U by Kotex intended to portray the issue and its solution in a straightforward and candid

manner respected and desired by its customers. We submit that this treatment does not of itself vilify women or sexualise the issue. The sweat patches are shown on women wearing fairly typical workout apparel and the demeanour of the women's faces is one of awkwardness (which mirrors the consumer research we undertook) rather than depict any approbation by others or imply any sexual connotations. It is a biological truth that men and women secrete sweat from various parts of their bodies. We chose only to deal with women and with sweating in this area for women as this is the issue that our product can help address.

Consumer testing

Lastly, we also mention the extensive testing we did in respect of this TVC. Prior to developing an advertisement and in line with our deep desire to market our products responsibly and in a way that does not offend, demean or make women feel negative emotions associated with normal bodily functions, we undertake extensive testing of new advertisements to ensure they do not offend. In line with that approach, we extensively tested a version of this TVC with 400 women between the ages of 18-30 years. Consumers who viewed our U by Kotex Sport Liners TVC in this research process said that the advertisement was enjoyable, that they could identify with the situation and found the advertisement highly informative (which was the outcome that we were seeking to achieve).

Furthermore, the final TVC was then tested amongst women 16-30 years before being aired to ensure that the final tone was as we intended and that there were no offensive images or scenarios used. This research revealed that 70% of the women enjoyed watching the TVC, 82% believed that it made the brand more appealing and 82% also found the points in the TVC to be relevant to them. Amongst the respondents, when asked what didn't they like about this TVC, respondents mostly responded with 'nothing'. Accordingly, we would submit that the TVC does not offend against prevailing community standards in respect of the target audience.

Reviewing the feedback from our consumer testing, we are confident that this TVC will not be seen as offensive to the majority of those who will view the TVC. The intention was to air the advertisement during those programmes which are popular amongst women within the intended demographic who are also active and in accordance with our CAD rating.

Notwithstanding our unequivocal view that the TVC is entirely appropriate for viewing at the times referable to our CAD rating and that it does not in any way contravene the Code, we intend to alter our media buy such that the TVC is not aired before 8.30pm in the evening.

Other complaints

Kimberly Clark Australia's consumer advisory team has not received any complaints in respect of this TVC.

For the reasons stated above, we respectfully suggest that this advertisement objectively does not contravene Section 2 of the AANA Advertiser Code of Ethics.

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 prevailing 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. If you have any further queries or require any further information, please do not hesitate to contact me.

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 advertisements features references to a woman’s bodily functions which is embarrassing for women, offensive and not appropriate for viewing by children.

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 various women exercising in a variety of ways and the voice over providing statistics on the percentage of woman who have responded about “sweat being good” but “sweat patches being bad.” The advertisement then refers to the features of the new Kotex sports liners for women.

The Board noted the complainant’s concern that the advertisement is degrading to women in its portrayal of women visibly having wet marks around their private areas whilst exercising in public and that the women appear embarrassed.

The Board noted that the advertisement is highlighting the comfort and effectiveness of the sports liner and considered that it is reasonable to demonstrate how there may be a need for this type of product. The Board noted that the scenes of the women with sweat marks show the woman's bodies in full with no close up on the women's pubic region. The Board considered that this portrayal is presented in a manner which is not degrading, discriminatory or vilifying towards women.

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 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 that the advertisement had been rated ‘PG’ by CAD which means it can be broadcast between 8.30am and 4pm on weekdays, and between 7pm and 6am on weekdays

and between 10am and 6am on weekends.

The Board noted the complainants' concerns that feminine hygiene is not appropriate for viewing on television particularly at a time when children may be watching. The Board considered that the advertisement presents the issues surrounding feminine perspiration in a manner which is relevant to the target demographic, and considered that the references to the wearing of protection for this problem is treated with sensitivity to the relevant audience even though some members of the community would prefer that such products are not advertised at all.

The Board considered that the advertisement presents the product appropriately and treats the subject with appropriate sensitivity.

On this basis the Board determined that the advertisement did depict sex, sexuality and nudity with sensitivity to the relevant audience and that it 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 complaint.