



**ADVERTISING
STANDARDS
BUREAU**

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Case Report

1	Case Number	0244/12
2	Advertiser	Kimberly-Clark Aust Pty Ltd
3	Product	Toiletries
4	Type of Advertisement / media	TV
5	Date of Determination	27/06/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Gender

DESCRIPTION OF THE ADVERTISEMENT

The advertisement opens on a close up image of a girl looking through binoculars and a voice over says, "Ever been out and had the feeling that you're leaking?" We then see various images of girls in different situations as well as an image of a goldfish swimming in a plastic bag which is leaking water from numerous holes.

The voiceover ends the advertisement by saying "We know you, and U know what works." and we see an image of a packet of tampons.

THE COMPLAINT

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

The inference is that female leakage smells like fish.

THE ADVERTISER'S RESPONSE

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

In response to the scene in question featuring the gold fish in the plastic bag, this scene is intended to be a strong yet simple and non-confrontational visual demonstration of 'leakage'. The goldfish in the leaking plastic bag adds to the visual demonstration and strongly depicts the 'fear' element of this insight. Nowhere in the script do we mention 'smell' or odour. Prior to production of this TV commercial, this concept was rigorously researched with 250 consumers in our target market. There was no negative feedback in regards to this scene. Following the success of the research, the TV commercial was launched in August 2011, and to date we have not received any negative consumer feedback regarding this scene. Kimberly-Clark Australia markets numerous products that are used in the care of women 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.

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 discriminatory towards women in its likening of menstruation with fish.

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 an image of a bag containing a fish with water leaking from holes whilst a voiceover asks, “ever been out and had the feeling that you are leaking?”

The Board considered that the advertisement presents legitimate concerns that women may have when menstruating and considered that the use of the leaking bag containing a fish has been used in the context of a visual aid. The Board considered that most members of the community would consider the advertisement does not suggest that menstruation leakage smells of fish.

The Board also considered that the images of a woman disappearing do not amount to a suggestion that women who have their period are invisible.

The Board considered that the advertisement is clearly suggesting a product which can remedy a problem many women experience when menstruating and considered that the advertisement does not portray or depict material which discriminates against women.

Based on the above the Board determined that the advertisement did not depict 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.

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