



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0254/13</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</b>
<b>5</b>	<b>Date of Determination</b>	<b>14/08/2013</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.4 - Sex/sexuality/nudity S/S/N - general

### DESCRIPTION OF THE ADVERTISEMENT

The TVC is presented in the form of an animation showing a woman sleeping in a bed. When an electronic alarm rings the woman gets out of bed and walks into a shower. Her body posture looks tired. While she is showering and using Radox Shower Gel the music intensifies and colours appear representing the fragrances contained in Radox Shower Gel. The woman starts dancing in the shower looking invigorated and much more alive than before. The voiceover states: "Wake up with the new zesty fragrances from Radox"

### THE COMPLAINT

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

*Images of naked woman, albeit animated, dancing around in shower is still inappropriate nudity. Why do advertisers think its ok to show a naked woman when it would be totally unacceptable to show a naked man in the same way. Please can we aim higher rather than lower in the civilisation of our race. Modesty is a virtue to strive for, not indecency & disrespect.*

### THE ADVERTISER'S RESPONSE

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

*Thank you for your letter of 18 July 2013 and the opportunity to respond to the consumer complaint made in relation to the Radox TV Commercial (the “TVC”).*

*We note that the ASB is considering the TVC in relation to an issue that falls under Section 2.4 of the Advertiser Code of Ethics. For the reasons outlined below, we do not consider that the TVC is in breach of section 2.4 of the Code.*

#### *Compliance with AANA Code of Ethics*

*Section 2.4: Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.*

*We submit that the TVC does not contain any indecent or disrespectful content, and that it does not show nudity without sensitivity to the relevant audience.*

*The TVC is presented in the form of an animation and the woman in the TVC is portrayed as a cartoonlike silhouette. Although the woman appears to be naked in the shower no parts of her genitals or breasts are visible.*

*We submit that the depiction of the silhouette of a woman who, in the eyes of the viewer, appears to be naked is not inappropriate in the context of an advertisement of shower gel. Although the exposure of skin would be relevant to a shower product the TVC does not show any skin. It merely shows the silhouette of a woman dancing in the shower – with the act of showering setting a logical and reasonable context for why the silhouette does not appear to be wearing clothes.*

*The TVC contains no sexual references and the depiction of the woman is in no way sexualised, or sexually suggestive or provocative.*

*In our view the complainant’s interpretation that the advertisement shows inappropriate nudity is unlikely to be shared by the broader community. We believe the TVC is appropriate for a broad audience as it deals with nudity in the context of showering in a non-suggestive way and with sensitivity to the relevant audience.*

#### *Approvals*

*Unilever is a responsible advertiser and has numerous internal review processes, including review by Unilever’s Legal Department, and corporate relations to critique all advertisements to ensure compliance with legal and ethical considerations.*

#### *Conclusion*

*We submit that the TVC does not contain any overt or ambiguous treatment of sex, sexuality and nudity.*

*In summary, we submit that the context of the TVC is well within prevailing community standards and complies with section 2.4 of 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 complainant’s concerns that the advertisement features an image of an animated naked woman dancing in the shower and that this is inappropriate.

The Board viewed the advertisement and noted the advertiser’s response.

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 the woman in the advertisement is animated and that she is clearly intended to be naked as she is taking a shower. The Board considered that consistent with a previous determination which concerned the depicted of an animated line drawing of a naked woman, (0411/11), the level of detail in this instance is very basic and little more than the outline of a woman’s body and would be unlikely to cause offence to most members of the community.

The Board noted that the advertised product is a shower gel and considered that it was not inappropriate to show the product being used. The Board noted that the cartoon woman is not exaggerated in any of the woman’s features with little more than the outline of breasts and does not make any sexualised suggestions.

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

The Board noted the “W” rating given by CAD and noted that the advertisement had been aired in the appropriate time slot for the rating.

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.