



Case Report

1	Case Number	0256/13
2	Advertiser	Pharmacare Laboratories
3	Product	Toiletries
4	Type of Advertisement / media	TV
5	Date of Determination	14/08/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The advertisement shows Jennifer Hawkins applying the body moisturiser Redwin. There are close ups of various parts of Jennifer's body as she applies the moisturiser as she dances. A song is playing with the lyrics, "If your skin's happy and you know it, clap your hands".

THE COMPLAINT

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

The advertisement is being shown during hours children are awake & can hear or see it. I find it extremely irresponsible that 'if your happy and you know it' is the jingle used whilst a woman dances around in her underwear To have a 3 year old come running into the lounge room because he hears a children's song and is then confronted with a half-naked woman and I once again have to explain why its inappropriate to walk around in your underwear and that she is paid to prance naked. If I wanted my child to see this I would take him to a strip show as I don't see the difference between the two.

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 email of 18th July. Attached and below is the requested information and detail that I hope will resolve any concerns regarding our Redwin moisturising advertisement Comments in relation to complaint 0256/13

Background for consideration

The Redwin brand is positioned as an affordable body moisturising range product for healthy skin, and is widely available in supermarkets and pharmacy, and is suitable for the whole family. It is primarily targeted to female consumers who use a body moisturiser to avoid dry or dehydrated skin so that they can feel happy and more confident within their skin.

Research groups undertaken by Redwin earlier this year indicated that women relate to the application of moisturiser after taking a shower – after showering is when many women apply their body moisturiser.

The complaint states that a woman was shown wearing her underwear and the complainant was concerned about inappropriate nature of this material being shown and compared the advert to a “strip show”.

The vision shown in the advert is our brand ambassador (Jennifer Hawkins) wearing ‘everyday’ white cotton 2 piece underwear including boy cut briefs (similar to swimwear) laughing and happily applying Redwin moisturiser to areas of key usage for a body moisturiser product, ie her legs, arms, shoulders and stomach.

The TVC was classified as W and adhered to the following advertising codes guidelines: May be broadcast at any time except during P and C programs or adjacent to P or C periods. Exercise care when placing in cartoon and other programs promoted to children or likely to attract a substantial child audience.

Commercials which comply with the G classification criteria in Appendix 4, Section 2 of the Code of Practice but require special care in placement in programs promoted to children or likely to attract a substantial child audience.

Complaint 0256/13 is centred on the advertisement being shown during Channel 10’s 5pm news. News does not have a classification code, however due to the explicit nature of visuals and verbal communication often communicated during the news; news does not usually attract a “substantial child audience”. Additionally the programs planned before and subsequent to the news were not cartoons or specific programs “promoted to children or likely to attract a substantial child audience”. By checking these items we believe we were exercising care when placing our advert and believe that the news environment was correct for our target market of Women 30-49.

The imagery of the advertisement is designed to give the impression of a woman happily using Redwin Moisturiser. Great care and deliberation was made during the production of the commercial to focus on the brand (Redwin) and the key usage – a body moisturiser for healthy skin particularly the legs, arms, shoulders and stomach.

Additionally, even greater care was taken that the tone and mood of the ad was completely non-sexual or flirty in nature resulting in very deliberate and careful selection of Jennifer’s “everyday” cotton briefs and top; the way in which she applies and uses Redwin; the way she moves and interacts with Redwin in the advertisement; and the choice of music and lyrics.

The end result is an advertisement that is deliberately positioned as a fun, light-hearted and positive interpretation of product application and usage, and adheres to our brand values of an everyday body moisturiser for healthy skin.

In this case we argue that the imagery is both tasteful and relevant to the audience and the product, and the placement of the advert is in line with Section 2.4 of the code. At no point

does our brand ambassador undress, move inappropriately or behave in any way that is offensive. The comparison of the fun and happy imagery within in the advert to a sexual “strip show” is completely baseless and inaccurate. I trust the above provides the information you require. Please contact me should you have any further questions.

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 irresponsible in its use of a children’s song to accompany inappropriate images of a woman dancing in her underwear.

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 advertisement features the model Jennifer Hawkins applying body lotion whilst dancing and that she is wearing white underwear. The Board noted that the advertisement had been rated ‘W’ by CAD which means it may be broadcast at any time except during Preschool (P) and Children’s (C) programs or adjacent to P and C periods.

The Board noted the complainant’s concerns that the song used in the advertisement is attractive to children and that it is inappropriate to draw the attention of children to a woman dancing in her underwear. The Board noted that the underwear Jennifer is wearing is plain and considered that it adequately covered her private areas and was not sexy or sexualised.

The Board noted that the advertised product is a body lotion and considered that the depiction of a woman applying lotion to her skin is a depiction commonly used to advertise such products. The Board considered that in this instance the overall tone of the advertisement is playful and that the use of the song, “If you’re happy and you know it clap your hands” creates a light-hearted feel for the advertisement. The Board noted that whilst the song would be attractive to children in the Board’s view most members of the community would not consider the depiction of a woman in underwear similar to a bikini applying body lotion whilst dancing to be a depiction which is inappropriate for children to see.

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.

