



Case Report

1	Case Number	0257/15
2	Advertiser	Coty Australia Pty Ltd
3	Product	Toiletries
4	Type of Advertisement / media	TV - Pay
5	Date of Determination	22/07/2015
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The Advertisement starts with a young man in the bathroom applying the Product. He takes a shirtless selfie, flexing his arm muscles and the voice over indicates that he sends it to a girl he likes. The Advertisement then plays out two different scenarios that could happen as a result of sending this selfie:

- Scenario 1: She also sends a selfie responding in kind.
- Scenario 2: She responds in kind by coming to your house wearing a coat and opens it up to reveal her underwear.

The voiceover then says “there’s only one way to know what will really happen. Playboy Generation body spray for him. Press to Play.”

THE COMPLAINT

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

We are trying to promote sensible use of social media and prevent young people from getting into trouble sending revealing photos of themselves.

This is NOT promoting cyber safety.

I believe that it is promoting young children to use sms to send sexually explicit images of themselves to others, Sexting.

It is encouraging youth to use their phones for sexting. Sending raunchy pictures of themselves to boys and girls. We run programs at schools about the dangers of this and have many issues with our teens because of the lack of control once you send it. This only promotes it. The police and schools are trying to minimize the social pressure to sext pictures of them selves as a teacher I am not happy.

The commercial promotes sexting & sending nude pictures of yourself to people you like in order to get their attention. What a disgusting example to young people. I don't think why I really need to explain what is wrong with this. I've also seen this commercial on other channels and all around the the same time.

The explicit message of this ad is that young men should take sexually suggestive selfies and send them to women to see what will happen, and promotes the idea that women will magically respond by appearing at your door ready for a sexual encounter. Playing this advertisement in prime time on a Sunday night, and including main characters who look to be in their teens (who are also probably a key target market for this product), sends a dangerous message to teens. It promotes unwarranted sexual harassment of women, as well as encouraging teens to put out sexually suggestive pictures of themselves into the public sphere. Any ad that encourages teens to sext is not fit for TV, let alone during prime time.

THE ADVERTISER'S RESPONSE

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

This response is made by Coty Australia Pty Limited (Coty), the distributor of Playboy Fragrances in Australia.

Background

Playboy #Generation (the Product) is a deodorant body spray that works to counteract unpleasant body odour.

The Advertisement starts with a young man in the bathroom applying the Product. He takes a shirtless selfie, flexing his arm muscles and the voice over indicates that he sends it to a girl he likes. The Advertisement then plays out two different scenarios that could happen as a result of sending this selfie:

- *Scenario 1: She also sends a selfie responding in kind.*
- *Scenario 2: She responds in kind by coming to your house wearing a coat and opens it up to reveal her underwear.*

The voiceover then says "there's only one way to know what will really happen. Playboy Generation body spray for him. Press to Play."

The Complaints

The specific concerns raised by the complainants are that the Advertisement:

- 1. Encourages “that young men take sexually suggestive selfies and send them to women to see what will happen”*
- 2. “Promotes the idea that women will magically respond by appearing at your door ready for a sexual encounter”*
- 3. “Promotes unwarranted sexual harassment of women”*
- 4. “Encourages teens to put out sexually suggestive pictures of themselves in the public sphere”*
- 5. “Promotes sexting and sending nude pictures of yourself to people you like in order to get their attention”*

The AANA Code of Ethics

The ASB has identified that section 2.4 and 2.6 of the AANA Code of Ethics (Code of Ethics) may have been breached by the Advertisement.

Coty has carefully reviewed and considered the complaints made about the Advertisement under the Code of Ethics and specifically sections 2.4 and 2.6.

Section 2.4

Coty does not believe the Advertisement breaches section 2.4 of the Code of Ethics.

Section 2.4 states that any advertising or marketing materials shall treat sex, sexuality and nudity with sensitivity with regards to the relevant audience.

In line with the AANA Code of Ethics Practice Note (Practice Note), we confirm that the Advertisement does not contain sex, sexuality or nudity; nor are there any images or depictions as described within the Practice Note whereby they are not relevant to the Product.

Coty rejects the complainant’s allegation that the Advertisement encourages young men to take sexually suggestive selfies, on the basis that the Advertisement only depicts the male flexing his bicep in the selfie. We do note that he is shown in the Advertisement wearing only his underwear while using the Product, however this portrayal is entirely consistent with all relevant sections of the Code of Ethics and Practice Note given that the Product is a deodorant body spray.

With respect to the complainant’s allegation that the Advertisement portrays that women will magically appear at your door ready for a sexual encounter, it must be noted that there is absolutely no indication, allusion to, or representation of any sexual encounter in the Advertisement; nor is it logical or realistic to assume that this would, or could, occur.

Placement of the Advertisement

With reference to the requirement that any advertising and marketing communications of this

nature be treated with sensitivity to the relevant audience, we note the first complainant for these matters viewed the Advertisement during “CSI: Crime Scene Investigation” on TVH!TS which was aired at 8.10 pm on 7 June 2015. The rating of this programme is MA 15+ indicating that it may contain classifiable elements such as sex scenes and drug use that are strong in impact. For completeness, the second complainant viewed the Advertisement during Seinfeld at 10.09pm on 9 June 2015, also on the TVH!TS channel. Oztam demographics for this channel specify that ~86% of the audience is aged 30 years or older.

In this regard Coty submits that the Advertisement is entirely in line with the any appropriate community standards given the audience and time in which the Advertisement was broadcast.

Section 2.6

Coty does not believe the Advertisement breaches section 2.6 of the Code of Ethics.

Section 2.6 states that any advertising or marketing materials shall not depict material contrary to Prevailing Community Standards on health and safety.

In line with the Practice Note, we confirm that the Advertisement does not contain any images or depictions as described within the Practice Note.

Coty strenuously rejects the complainant’s allegation that the Advertisement promotes unwarranted sexual harassment of women, on the basis that there is absolutely no promotion or encouragement of any form of sexual harassment portrayed or implied within the Advertisement.

Coty disagrees with the complainant’s accusation that the Advertisement encourages teens to put out sexually suggestive pictures of themselves in the public sphere. It is necessary to note that Coty strongly believes the Advertisement complies with section 2.4 of the Code of Ethics in which none of the imagery contains nudity or is highly sexually suggestive.

Further, Coty rejects the complainant’s allegation that the Advertisement promotes sexting and sending nude pictures of oneself to people, on the basis that these acts rely on imagery that contains nudity or is sexually explicit. Given that the Advertisement does not contain, or encourage, any imagery of this type, this allegation is not valid.

Finally, Coty does not believe that the Advertisement is in contravention of any other sections of the Code of Ethics, or Prevailing Community Standards in relation to health and safety, nudity, language, violence or the portrayal of people, nor does the Advertisement depict any unsafe behaviour or practices as specified in the Practice Note.

Conclusion

Coty respectfully disagrees that the Advertisement is in contravention of Section 2.4 and 2.6 of the Code of Ethics and is confident that the Advertisement meets all prevailing community standards.

It is therefore Coty’s submission that this complaint should be dismissed as there is no evidence of any breach of the Code of Ethics or of any other industry Codes.

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’ concern that the advertisement features and promotes ‘sexting’ which is inappropriate and against Prevailing Community Standards on cyber safety.

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 the advertisement features a young man taking a photo of himself in his bathroom then sending it to a young woman, and then two different scenarios are shown based on the woman’s possible response to receiving the image of the man.

The Board noted the man is wearing underwear and considered that the level of nudity was not inappropriate in the context of a depiction of a person spraying themselves with body spray in their bathroom.

The Board noted the subsequent images of the woman in her lingerie and considered that the woman’s private areas were covered and the level of nudity was not of itself inappropriate.

The Board considered that the concept of sending pictures of yourself in sexy underwear and the arrival of the woman wearing only underwear under her coat was a suggestion of sex or the idea that the couple would engage in sexual activity. The Board noted however that the couple were not seen together and there was no sexual activity shown.

The Board noted that the advertiser provided a copy of the media placement for the advertisement.

Overall the Board noted that the advertisement was aired on Pay TV and that the programs that the advertisement was aired in were not programs directed to young children. The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and did not breach Section 2.4 of the Code. The Board then considered Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted it had previously upheld an advertisement for Vodafone (0334/11) which featured a person who had uploaded an image of a dog and labelled it as his friend’s girlfriend where:

“The Board considered that there is significant social concern around appropriate online behaviour and considerable resources directed to teaching children and young adults about appropriate behaviour and how to avoid cyber bullying.

Of consideration for the Board when viewing behaviour in advertisements that may be seen to be dangerous or against community standards on health and safety, is whether or not the advertisement depicts the behaviour in a manner that condones the behaviour or shows it to be “quirky” but nevertheless unacceptable. The Board considered that in this case the closing caption of the advertisement “power to you, Vodafone” condones the behaviour depicted.

In the Board’s view it is possible that younger people would see the advertisement as condoning or at least giving some legitimacy to the behaviour of posting images without consent and that this is a message that the community views as unacceptable.”

In the current advertisement the Board noted that the voiceover describes a situation orchestrated by taking selfies and sending them on to someone else. Toward the end of the

advertisement the voiceover says – “there’s only one way to know what will really happen.” The Board noted the genuine community and government concerns about sexting and cyber safety and considered that in addition to the visuals, the statement is calling viewers to give the situation above a try and is encouraging this behaviour when it should be discouraging it. The Board noted the information available for individuals and schools on the Australian Government Office of the Children’s eSafety Commissioner website (www.esafety.gov.au) related to issues of cyberbullying and sexting and where and how to seek assistance if necessary. The Board noted the website offers numerous videos, pamphlets and information about the topic and considered that the behaviour shown in the advertisement was portraying the sexting with a positive outcome which is undermining the work being done by government and at school levels to discourage this behaviour.

The Board noted that the media placement indicates that the advertisement was aired in programs such as the Simpsons, Family Guy and the Big Bang Theory and considered that these programs are targeted to, and have appeal to teenage viewers, particularly teenage males. The Board noted that the product is a deodorant targeted to young men and that in conjunction with the advertisement would overall, create the fantasy idea that this scenario could actually happen and may encourage young teens (male and female) to try this type of behaviour.

Based on the above, the Board considered that the advertisement did depict material contrary to Prevailing Community Standards on health and safety relating to cyber safety and phone safety.

The Board determined that the advertisement did breach Section 2.6 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board upheld the complaints.

THE ADVERTISER'S RESPONSE TO DETERMINATION

Coty Australia rejects the complainants’ allegations but respects the ASB’s ruling and have discontinued the subject advertising.