



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0261-20
2. Advertiser :	Woolworths Group Limited
3. Product :	Food/Bev Groceries
4. Type of Advertisement/Media :	Email
5. Date of Determination	9-Sep-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.2 Exploitative or Degrading
AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This email advertisement depicts a toddler aged child in a kitchen sink. The child appears to be naked. Imagery accompanying the photograph promotes Dettol bathroom spray.

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

Naked young girl is concerning. I think she looks very exposed in this photo. I am concerned as I wouldn't want a photo of my child like this in public. I think it is exploiting this lovely little girl.

I am concerned that it becomes a photo for child sex offenders. Why would you expose her in this way. Just put some clothes on her and it is fine. We don't need naked children to advertise cleaning products.

THE ADVERTISER'S RESPONSE

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

We refer to your letter dated 25 August 2020 in relation to the complaint received by Ad Standards about an advertisement for Dettol Healthy Clean Antibacterial Bathroom



Cleaner (“ the Advertisement ”) contained in an email from Everyday Rewards sent to selected Everyday Rewards members on 18 August 2020.

Woolworths Group Limited trading as Everyday Rewards (“ Everyday Rewards ”) takes its advertising obligations very seriously and thanks Ad Standards for the opportunity to respond to the complaint received in respect of the Advertisement (“ Complaint ”).

In respect of the information specifically requested, we note the following:

- Description of the Advertisement: The Advertisement is contained in an email sent by Everyday Rewards to selected Everyday Rewards members (the “ Email ”) promoting (among other cleaning products) Dettol Healthy Clean Antibacterial Bathroom Cleaner Trigger Spray 500ml.

Issue raised in the Complaint

The Complaint alleges that the Advertisement contained in the Email included imagery that may have violated:

- 1. AANA Code of Ethics\2.4 Sex/sexuality/nudity/S/S/N - sexualisation of children*
- 2. AANA Code of Ethics\2.2 Exploitative or Degrading/Exploitative or degrading children*

Everyday Rewards’ response

Everyday Rewards takes its advertising obligations very seriously. It is however Everyday Rewards’ submission that the Complaint should be dismissed and that no further action should be taken in respect of this matter, for the reasons set out below.

Sections 2.2 (Exploitative or degrading) and 2.4 (Sex, sexuality and nudity) of the AANA Code of Ethics

- The image in the Advertisement does not degrade or exploit children. Specifically, it does not in any way treat a minor as an object of sexual appeal, nor does it contain any suggestive, lewd or offensive poses of children. The image in question simply depicts a scene common to millions of households around Australia, and is appropriate in the context of the product being advertised.

Dettol Healthy Clean Antibacterial Bathroom Cleaner Trigger Spray can be used to dissolve soap scum in a bathtub and to disinfect the bathtub at the same time, so as to create a more hygienic environment. The image in the Advertisement of a young child in the bathtub, smiling at what appears to be his or her parent or other caregiver, speaks to parents’ and other caregivers’ desire, particularly in this time of COVID-19, to make sure that their homes, including bathrooms and bathtubs, are safe and hygienic for their children.

- The Advertisement shows partial nudity, with the child depicted wearing pink underwear. The partial nudity has however been treated with sensitivity to the



relevant audience. The imagery is not sexualised or sexually suggestive. There is no reference to sex or sexual innuendoes anywhere in the Advertisement. As such, the Advertisement is appropriate for the Email's target market [1].

[Footnote 1: The Email was sent to selected Everyday Rewards members only. The audience for the Email was selected based on the "relevance" (as determined by an algorithm) to those members of cleaning products, including disinfectants and aircare. The Advertisement is featured in the broader context of an Email advertising various cleaning products (the Email also contains advertisements for toilet cleaner, disinfectant spray and disinfectant wipes and air freshener).]

Sections 2.1, 2.3, 2.5 and 2.6 of the AANA Code of Ethics

Everyday Rewards further submits that the Advertisement does not contravene any of the other subsections of Section 2 of the AANA Code of Ethics, for the reasons set out below:

- 2.1 (Discrimination or vilification): The Advertisement does not discriminate or vilify any members or sections of the community. Specifically, the child figure in the Advertisement is not portrayed in a manner that discriminates against children or otherwise vilifies them.*
- 2.3 (Violence): The Advertisement shows no violence in the imagery.*
- 2.5 (Language): There are no words spoken as the Advertisement is a print advertisement. The printed language relates directly to the product being advertised and is appropriate.*
- 2.6 (Health and safety): The Advertisement does not depict material contrary to Prevailing Community Standards on health and safety.*
- 2.7 (Distinguishable as advertising): The Advertisement is clearly distinguishable as advertising.*

Further relevant information

- As noted above, the Advertisement was created by Reckitt Benckiser (the owner of the Dettol brand) and supplied to Everyday Rewards by Reckitt Benckiser for inclusion in the Email.*
- The Advertisement was a once-off advertisement in the Email, which was a once-off send to selected Everyday Rewards members. The Advertisement does not constitute an ongoing advertisement for this product by Everyday Rewards and will not be featured in any Everyday Rewards advertising in the future.*
- Everyday Rewards takes great care in ensuring that all its advertising reflects prevailing community standards. Although for this Advertisement the product imagery was supplied to Everyday Rewards by the relevant supplier, with Everyday Rewards providing the advertising medium/ space (analogously to a newspaper providing space for supplier-furnished advertising), the Advertisement nevertheless went through a rigorous internal Everyday Rewards approvals process which included brand and legal approvals.*



- At Woolworths and Everyday Rewards we are deeply cognisant of our responsibility to the community and to families across Australia. As such, while we submit that the Advertisement did not contravene the AANA Code of Ethics, we still take any negative community feedback very seriously. Therefore, immediately upon being made aware of the Complaint, we took the following steps to ensure none that no imagery in any future advertisements for Everyday Rewards could raise concern amongst the community. These steps include (but are not limited to):

- Reinforcing to our Everyday Rewards teams the need to be extra sensitive in relation to images depicting children.*
- Re-emphasising to our Everyday Rewards teams the rules in our internal communications guidelines about the use of children in advertising.*
- Speaking directly with our suppliers (including Reckitt Benckiser) to ensure that they do not provide Everyday Rewards with any images of children that could be deemed inappropriate by any members of the community (even if such images comply with the Code of Ethics).*

No breach of the AANA Code of Ethics

Everyday Rewards appreciates Ad Standards' careful consideration of the Complaint and trusts that, for the reasons outlined above, it will accept Everyday Rewards' submission that the Complaint should be dismissed on the basis that it does not breach the AANA Code of Ethics, or any other relevant AANA Codes.

THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement features an image of a naked young girl which is exploitative and concerning.

The Panel viewed the advertisement and noted the advertiser's response.

The Panel noted that Section 2.2 of the Code states:

*"2.2 Advertising or Marketing Communication shall not employ sexual appeal:
(a) where images of Minors, or people who appear to be Minors, are used; or
(b) in a manner which is exploitative or degrading of any individual or group of people."*

The Panel noted the Practice Note for the Code states:

"In advertisements where minors, or people who appear to be minors, are used, sexual appeal is not acceptable and will always be regarded as exploitative or degrading. Advertisements must not include sexual imagery, state or imply that minors, or people who appear to be minors, are sexual beings or that ownership or enjoyment of the advertised product will enhance their sexuality. Minors, or people



who appear to be minors, must not be portrayed in a manner which treats them as objects of sexual appeal.”

The Panel noted the advertiser’s response that the advertisement does not in any way treat a minor as an object of sexual appeal, and that the image in question is a scene common to millions of households around Australia.

The Panel considered whether the advertisement contained sexual appeal.

The Panel noted that the child in the advertisement appeared happy under the supervision of the parent. The Panel considered that there was no focus on the body of the child. The Panel noted that many parents bath their young children in the sink, and considered that this scene was not unusual. The Panel considered that the image of the young child was not sexualised in any way.

The Panel considered that the advertisement did not employ sexual appeal in relation to the Minors depicted in the advertisement.

The Panel determined that the advertisement did not employ sexual appeal of a Minor and therefore did not breach Section 2.2 of the Code.

The Panel 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 Panel acknowledged that the responsible depiction of children is an important issue in the community and noted that the advertiser’s statement that they had taken steps to ensure that future imagery in advertisements will be extra sensitive in relation to images depicting children.

The Panel considered whether the advertisement contained sex, sexuality or nudity.

The Panel considered that the depiction of the young child in the advertisement was not sexualised. The Panel considered that there was no sexual imagery or themes in the advertisement and the young child was not depicted as a sexual being. The Panel considered that the advertisement did not contain sex or sexuality.

The Panel noted that the young child was wearing pink underwear however considered that this was not immediately apparent when viewing the advertisement. The Panel considered that the young child did appear to be naked and that the advertisement contained nudity.

The Panel then considered whether the issue of nudity was treated with sensitivity to the relevant audience.

The Panel considered the meaning of ‘sensitive’ and noted that the definition of sensitive in this context can be explained as indicating that ‘if you



are sensitive to other people's needs, problems, or feelings, you show understanding and awareness of them.'
(<https://www.collinsdictionary.com/dictionary/english/sensitive>)

The Panel considered that the requirement to consider whether sexual suggestion is 'sensitive to the relevant audience' requires them to consider who the relevant audience is and to have an understanding of how they might react to or feel about the advertisement – the concept of how subtle sexual suggestion is or might be is relevant to the Panel considering how children, and other sections of the community, might consider the advertisement.

The Panel noted that this image was a part of an email advertisement sent to subscribers, who would likely be adult grocery buyers.

The Panel noted that the child was wearing underwear and her genitals could not be seen. The Panel noted that the child was depicted as being bathed in the sink, and that the level of nudity displayed was not inappropriate for the situation. The Panel noted that the product being promoted was a bathroom spray and considered that a depiction of a child being bathed was appropriate in this context.

The Panel considered that many of the people viewing the advertisement would be familiar with the scene of a child being bathed in the sink and would consider that the level of nudity in the advertisement was not excessive or inappropriate.

The Panel considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience and determined the advertisement did not breach Section 2.4 of the Code.

Finding that the advertisement did not breach the Code of Ethics, the Panel dismissed the complaint.