



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Advertising Standards Bureau Limited  
ACN 084 452 666

## Case Report

1	<b>Case Number</b>	<b>0263/18</b>
2	<b>Advertiser</b>	<b>Charli &amp; Kate</b>
3	<b>Product</b>	<b>Beauty Salon</b>
4	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
5	<b>Date of Determination</b>	<b>06/06/2018</b>
6	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

This television advertisement is in black and white and features two women, a brunette and a blonde, dancing on their own and together. In some scenes they are holding bottles of hair care products up to the camera.

### THE COMPLAINT

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

*I found that their ad was just a little bit inappropriate for being played during a family show. It showed attractive girls dancing around, showing a lot of cleavage. It's very sexualised.*

*I understand that it may be appropriate for after a certain time but I think the fact it was played (multiple times) during Masterchef, a family show, should be taken into consideration.*



## THE ADVERTISER'S RESPONSE

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

*A complaint was made about the Charli & Kate 30s product TVC under Section 2 (2.4) of the AANA Code of Ethics.*

### *2.1 - Discrimination or vilification:*

*The Charli & Kate TVC does not discriminate nor vilify the two women; the two women are being portrayed as confident, comfortable and in control.*

### *2.2 - Exploitative or degrading:*

*(a) The TVC does not include any minors nor does it portray the two women in the TVC as minors.*

*(b) The focus of the TVC is on the bottles of hair care products and promoting these products being sold all together at Charli & Kate salon. In the TVC the two women are dancing (as a way to show movement in their hair) and have been filmed from the waist up as they are holding hair care products which is what is in focus to the viewer. The TVC does not focus on any particular body part (apart from hair) nor does it reveal their body parts as they are covered with clothing (apart from face and neck/top of chest). The TVC does not degrade or objectify the women as they are being portrayed as confident, comfortable and in control.*

*Whilst the TVC has a "G" rating from CAD, the Complainant viewed the TVC at 8:20pm during Masterchef, a show that has an advertised "PG" rating. As per the Australian Classification, this means "...they may contain content that children find confusing or upsetting and may require the guidance of parents and guardians.... It is not recommended for viewing or playing by persons under 15 without guidance from parents or guardians".*

*Again, this classification was for the TV Show the Complainant was viewing and not the TVC which was given a "G" rating by CAD.*

### *2.3 - Violence:*

*There is no violence in this TVC nor is there any suggestion of violence.*

### *2.4 - Sex, sexuality and nudity:*

*This TVC does not simulate sex in any way. It is not overly sexualised and the talent are clothed with no sensitive areas of their bodies shown. It depicts two women dancing as a way to show movement in their hair as it is a TVC for hair care products. The women are holding bottles of hair care products up to the camera. The TVC is appropriate for today's consumer and attitudes and treats sex, sexuality and nudity*



*with sensitivity to the relevant audience.*

*It has not been scheduled during children's programming and is not aimed at children.*

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*Again, this classification was for the TV Show the Complainant was viewing and not the TVC which was given a "G" rating by CAD.*

#### *2.5 - Language:*

*The TVC does not contain any coarse language. This only audio in the TVC is music which does not contain any lyrics. The only text on screen relates to the Brand of the products and that these products are all now available in the one salon of Charli & Kate.*

#### *2.6 - Health and Safety:*

*The TVC does not depict material contrary to Prevailing Community Standards on health and safety.*

#### *2.7 - Distinguishable as advertising:*

*The TVC is obviously selling hair care products as depicted by the products themselves (bottles with clear labels of the brand) being held by the women straight into the camera, as well as text overlay:*

*ORIBE, KERASTASE, KEVIN MURPHY - TOGETHER FOR THE FIRST TIME ONLY AT - as well as the Charli & Kate logo and the text: NEXT TO DAVID JONES LEVEL 1 – WOLLONGONG CENTRAL*

## **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 was overly sexual and inappropriate to be aired during a family program.

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

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 noted that this television advertisement is in black and white and features two women, a brunette and a blonde, dancing on their own and together. In some scenes they are holding bottles of hair care products up to the camera.

The Panel considered that the complainant’s concern that the advertisement showed attractive girls dancing around, showing a lot of cleavage and was very sexualised.

The Panel noted that while some elements of the advertisement were dark and smoky, this was relevant to the overall theme of the advertisement. The Panel also noted that the clothing of the women was not unlike nightclub attire and there is no nudity in the advertisement.

The Panel considered that the imagery in the advertisement is quite stylised and intended to draw attention to the hairstyles of the models and close ups of various products, and that this was reasonable for a promotion of hair products. The Panel noted that the imagery is similar to what is displayed in a hairdressing salon.

The Panel noted that the complainant viewed the advertisement during the program Masterchef, and considered the advertiser’s response that Masterchef has a PG classification and the advertisement received a ‘G’ classification from FreeTV, allowing it to be broadcast in general viewing.

The Panel noted that some members of the community may be uncomfortable with the sexuality in the advertisement, however considered that the level of sexuality was mild and was not inappropriate for a broad audience watching a G or PG rated programs, which may include children.

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

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

