



**ADVERTISING
STANDARDS
BUREAU**

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Case Report

1	Case Number	0265/14
2	Advertiser	Chloe Perfume
3	Product	Toiletries
4	Type of Advertisement / media	Free TV
5	Date of Determination	23/07/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

2.4 - Sex/sexuality/nudity S/S/N - sexualisation of children

DESCRIPTION OF THE ADVERTISEMENT

This is a TV Commercial advertising and promoting a Global women's fragrance by Chloe Fragrances. It was created in July 2012 and was launched globally in October 2012 and broadcasted in many countries since this time.

THE COMPLAINT

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

I feel the girl is much too young, & the gentleman too old for her. It sounds like he is grooming her, and she comes across as very immature and very young & girlish. I feel it sends the wrong message to young & impressionable young girls. It makes me feel very uneasy when it's on.

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, the distributor for Chloe fragrances in Australia.

Background

1. The Chloe Perfume TVC advertisement (Chloe TVC) was made in 2012 by renowned

French creative director, Fabien Baron of Baron & Baron Inc. The advertisement was shot in France in July 2012 and was launched worldwide on 31 October 2012.

2. The release of the Chloe TVC by Chloe S.A.S. was accompanied by a press release which stated as follows:

“To celebrate five years of continuous success, Fabien Baron has shot a new advertisement illustrating Chloe’s grace and intuitive femininity... Suvi Kaponen’s natural beauty captivates, while her smile and spontaneity illuminates the TV spot”.

3. The Chloe TVC, a copy of which has been included with this response, features a Finnish model, Suvi Kaponen. Ms Kaponen was born on 26 March 1988 and at the time of filming the Chloe TVC, Ms Kaponen was 24 years old.

4. The voice over for the Chloe TVC was done by Mr Julien Simiand, a French educated professional voice over artist. Whilst Mr Simiand’s age at the time of shooting the Chloe TVC is not known, the brief provided to Mr Baron required a young 25 to 35 year old man. Mr Simiand’s profile can be viewed on LinkedIn, on which Mr Simiand’s photo appears and his profile notes that he did the voice over for the “Chloe Commercial”.

5. In the Chloe TVC, Ms Kaponen appears as a young woman, smiling, happy and confident in love, listening to a phone message left by her boyfriend (Mr Simiand). The young woman’s confidence, contentment and sense of empowerment over the situation is clearly evident by her decision not to pick up the phone but rather to just listen to the message being left by her boyfriend.

6. The young woman is clearly in control of the situation and not threatened, disturbed or under any stress caused by her boyfriend’s message as evidenced by her subsequent portrayal smiling and swirling around her apartment.

7. The young woman then takes a bath and is seen swirling around as she is getting ready.

8. This portrayal of a confident and empowered happy young women is consistent with the brief given to Mr Baron and the message that the manufacturer and supplier of the Chloe Perfume product are seeking to impart to their target market, which is women in the age group 25 to 35 years of age.

The TVC CAD Rating

9. The Chloe TVC was given a TV CAD rating of “W” which requires that it not be broadcast during P and C programs or adjacent to P and C periods.

The Complaint

10. Coty has carefully reviewed and considered the complaint made to the Advertising Standards Bureau (the Complaint) and makes the following comments:

(a) The young woman in the Chloe TVC was 24 years old when the advertisement was made;

(b) Whilst the young woman is shown in the bath there is no nudity or partial or discreet portrayal of nudity. At no time during the Chloe TVC, is Ms Kaponen shown naked, either in part or in whole;

(c) The voice over artist, Mr Simiand, cannot knowingly be described as “an older gentleman”. Whilst the exact age of Mr Simiand is not known, his involvement in the Chloe TVC met the producer’s brief of being a young man of between 25 and 35 years of age;

11. Coty rejects the assertion of the Complainant that “the girl is too young and the gentleman too old for her” on the basis that;

(a) this is a subjective assessment by the Complainant; and

(b) the Complainant’s assessment is not supported by the chronological age of Ms Kaponen and Mr Simiand.

12. Even if the Complainant’s assessment of the ages of the young woman (Ms Kaponen) and the man (Mr Simiand) in the Chloe TVC was correct (which is strenuously denied) it does not follow logically, or even on any reasonable balance of probabilities, that the man is or even “sounds like” he is grooming the young woman (Ms Kaponen).

13. Whilst the Complainant asserts that the young woman “comes across as very immature and very young and girlish”, this does not negate the deliberately intended portrayal of Ms Kaponen as a young woman who is in love, confident, in control and certainly not under any threat, duress or risk of any danger.

14. The message that the Complainant feels the Chloe TVC sends to young girls is not only subjective but misses the essential message. Coty submits that the real intended message conveyed to its target audience is one of natural confidence, control, surety and happiness, albeit whilst wearing the Chloe Perfume product.

The AANA Code of Ethics

Section 2.4

15. The ASB has identified that section 2.4 of the Code of Ethics may have been breached by the Chloe TVC.

16. Section 2.4 states as follows:

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

17. The relevant audience of the Chloe Perfume product is 25 to 35 year old woman.

18. Having reference to the AANA Code of Ethics Practice Note, a review of the Chloe TVC will note that there is no sex, sexuality or nudity contained in the Chloe TVC.

19. Whilst the young woman does appear in the bath, there are no images which:

(a) display full frontal nudity or use explicit pornographic language

(b) display discreet nudity or sexuality in any inappropriate context;

(c) are highly sexually suggestive or inappropriate for the relevant audience; or

(d) display clear sexual innuendo (e.g. depicting the young woman as a sexual object).

20. Section 2.1 of the Code has not been breached as the Chloe TVC does not portray people or depict material in a way that discriminates or vilifies a person(s) as identified in the section.

21. Section 2.2 of the Code has not been breached. The Chloe TVC is not exploitative and degrading of any individual or group of people.

22. Section 2.3 of the Code has not been breached as the Chloe TVC does not present or portray any violence.

23. Section 2.5 of the Code has not been breached. The language used is appropriate in the context of the advertisement and is appropriate for the relevant audience. No strong or obscene language has been used in the Chloe TVC.

24. Section 2.6 of the Code has not been breached. The Chloe TVC does not depict any material contrary to Prevailing Community Standards on health and safety.

Conclusion

25. It is Coty’s submission that this complainant should be rejected as there is no evidence, actual or implied, of any breach of the Code 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 complainant’s concerns that the advertisement contains imagery of a young woman that is of a sexual nature and inappropriate.

The Board reviewed 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 this internet advertisement features a young woman – “Chloe” in her room or home listening to a phone call from a male. He is asking her to pick up the phone and then refers to how pretty she looked the day before and how he wants to see her again. The young woman is seen smiling and swirling around the room, in the bath, and getting dressed as the phone call continues.

The Board noted the complainants concerns the woman seems very young and the man’s voice is one of a much older man.

The Board takes very seriously the issue of the sexualisation of children and accepts that there is a genuine community concern about inappropriate behaviour of a sexual nature including grooming and sex offences.

The Board noted the practice note in relation to section 2.4 which states that “... models which appear to be young should not be used in sexualised poses....”

The Board noted that advertiser’s response that the model used in the advertisement is 26 years of age. The Board considered that the woman is young looking but that she definitely appears as a young woman and not a child.

The Board considered that the male voice in the advertisement sounds like a young man and agreed that it is impossible to determine his age by his voice but considered that most members of the community would not consider his voice to sound inappropriate or “too old” for the age of the woman.

The Board considered that the advertisement does have a mild sexual tone but that the actions of the woman and the overall theme of the advertisement is one of an excited young woman, in love and happy to hear the voice of the man on the phone.

The Board considered that the overall impact of the advertisement is only mildly sexualised and considered that it does treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which could include children.

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 complaint.