



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0267/10</b>
<b>2</b>	<b>Advertiser</b>	<b>Pharmacare Laboratories</b>
<b>3</b>	<b>Product</b>	<b>Toiletries</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>22/06/2010</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Upheld - Modified or Discontinued</b>

### ISSUES RAISED

- 2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience
- 2.1 - Discrimination or Vilification Gender

### DESCRIPTION OF THE ADVERTISEMENT

Three young men are loading surfboards in to a camper van next to the beach when one of them spots an attractive woman heading their way wearing a bikini. He makes the other two men aware of her, and they all make appreciative noises whilst the camera slowly pans up the woman's body.

The next scene shows a man sitting in a red convertible, playing a guitar and singing a song about spotting attractive women and sharing the sight with your mates. A man climbs out of the boot of the convertible and sprays himself with Brut deoderant, and the woman is shown sashaying past the men with the camper van whilst they all admire her.

The final scene is of a can of Brut sitting on the beach with the woman shown from behind walking away and the words "Brut Code #85 Spot and Share" written on the screen.

### THE COMPLAINT

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

*This whole advertisement is tasteless. I am in the obvious target audience of men aged 18-30 and am still disgusted at the lack of decency shown by any of the characters in the commercial and the lack of consideration shown by the advertisers themselves. The suggestion that women desire to be and deserve nothing more than to be gawked at as they walk down the street is an insult to human dignity. I am also appalled that this advert that focuses so much on the woman's sexuality (her breasts are deliberately focused on at one point) is allowed to be aired during the football when many children and clean-minded people are watching. Despite the assumption Brut has clearly made not everyone who*

*watches sport on television is a barbarian who thinks women are a cheap sexual convenience. The basic content and message of this ad should offend anyone with a shred of decency and should shame the individuals who designed produced and aired it.*

*There is a ditty that is sung about you have to share it around...the ad is offensive sexist and hints at group harassment and potentially suggests the girl is an object to be shared between these white yuppie boys an older man of different ethnicity (hidden in car boot) emerges to suggest a latent sexual potency and possibly forbidden 'drive'. This is a clever ad no doubt. The advertisers know what they are doing obviously the coded language of the ad is sexist and demeaning to women and potentially has a very serious under story of gang rape.*

*From the perspective of a mother who has two sons and one daughter it represents everything any parent dreads their children being exposed to. The group of men poring over the lone girl makes her look vulnerable as well as blatantly objectified. The long shot on her body is inappropriate and just another excuse to put soft porn on tv. We no longer condone the sexism of the seventies and this advertisement makes the values that families schools and communities try so hard to teach children and adolescents a joke. My whole extended family saw this and didn't know where to look - I rarely dive for the remote control over an ad. It is offensive embarrassing and uncomfortable to watch. I hope you respect what I have taken the time to communicate. I have never made a complaint before.*

*Portrayal of sexuality and nudity. The young woman is wearing a very revealing bikini and her skin appears oiled up. It is an unappealing sexual image. It is a difficult scene and image to explain or justify to young girls (my daughters 8 and 10 years old) who have watched the ad with me at 7pm (and earlier in the day).*

*Language. The three men make ""sexual"" or learing noises about the girl in the background when the woman is in shot.*

*Promotion of unsafe or dangerous behaviour/activity. The man spraying himself gets out of a closed boot of a car.*

*The ad seems very exploitative toward women.*

*The song is pretty annoying too!*

*The previous Brut (robot) ad was close to the edge but this one is blatantly exploiting female sexuality. This is a trend Brut are clearly following they need to be held accountable to protect impressionable young consumers.*

*Shame Brut shame!*

*When six year old girls are being diagnosed with eating disorders it's fairly obvious females are being subjected to this stereotype far to blatantly and far too often. There are close up shots of the blondes breasts and the fact that there is a slogan "spot and share" objectifies women in a far too obvious and agenda pushing fashion. There is absolutely no relevance between the content of the advertisement and the product. It is simply an excuse to exploit women whilst throwing their product name in between sexist remarks.*

*I also have two sons and I certainly will be raising them with more substance than this adds portrayal of "correct" or "decent" male to male behaviour.*

*I found it offensive as it was in-your-face and sexist. I found it so because it featured a close up of her barely covered breasts and blatantly supported the objectification of women.*

*Usually blokey ads don't take it this far but even my dad was embarrassed by it.*

## **THE ADVERTISER'S RESPONSE**

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

*We have considered the complaints and the issues raised in your letter in light of the AANA Code of Ethics (specifically Articles 2.1 and 2.3) and respond as follows:*

*1) Advertisement content*

*The commercial features an attractive young lady in a bikini walking confidently by the beach as three young men in board shorts pack a surfboard away in their van. As she passes one of the young men nudge his mates and they turn to admire and smile at her. She turns her head smiling towards the young men as she passes by. A whimsical musical number revolving around the Brut product occurs during this scene, which is clear hyperbole.*

*2) AANA Article 2.1 – Advertising or Marketing Communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief.*

*The young lady's bikini and the men's board shorts are wearing entirely appropriate clothing for any Australian beach and the scene depicted is consistent with both societal norms and popular family television shows such as Bluewater High or Home & Away. She is depicted as a confident young woman and the scene is in no way threatening or aggressive. Clearly the lady is not disparaged, abuse, vilified or discriminated in any way and therefore does not infringe Article 2.1 of the AANA Code of Ethics.*

*3) AANA Article 2.3 – Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone.*

*The commercial received a W rating from CAD (G with a warning) which states that the spot "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".*

*The complaints in question refer to an air time on Saturday 5th June, in late afternoon during the AFL. Clearly this is not an infringement of our rating classification. Neither, would we argue is the advertisement content, beach clothing or mild flirtation shown, offensive to the vast majority of the television audience at that time.*

*Again we would argue that the scene depicted in the Brut commercial is consistent with many Australian television shows broadcast at a similar time slot. Consequently, the commercial does not infringe Article 2.3 of the AANA Code of Ethics.*

*Summary*

*In particular we noted the complainants objected to what they saw as gratuitous objectification of women, and on this basis considered the commercial to be inappropriate. To address this specifically, we would ask the ASB to consider the following:*

*(i) The entire scene needs to be viewed in the context of an Australian public beach and a typical Australian theme of young men appreciating the attractiveness of young women. To deny that this occurs is a denial of the Australian way of life, and in fact the commercial is reinforcing a positive, rather than negative, aspect of our society.*

*(ii) The young woman is portrayed in a positive light, as the friends are naturally and openly appreciating her good looks, but do not threaten or intimidate her in any way, in fact they keep a respectful distance in honour, or in awe, of her beauty and out of respect for her.*

*(iii) The young woman does not mind being admired. Clearly she is aware of her physical attributes and wears clothing and acts accordingly. To suggest that an attractive bikini clad*

*young woman is going to walk down an Australian beach and not be admired, or to suggest that a woman would be offended if she was so noticed or admired, is a denial of normal human nature. Further, she does not appear afraid or threatened by the actions of the young men and clearly appears to be comfortable and happy as she smiles and welcomes their looks of appreciation.*

*(iv) Given the target market of the product being advertised, being a men's deodorant spray designed for men who wish to pay more attention to their personal appearance and attractiveness to women, it is clearly justifiable to portray an attractive woman in the advertisement. Objectification would only occur, in our view, if an attractive woman (or an attractive man) was placed in an advertisement when they had no place at all in that context. This is not the case here.*

*(v) Rather than reinforce stereotypical objectification of women by men, it is our submission that the advertisement does the exact opposite; it portrays and therefore encourages a normal, healthy, respectful, playful and harmless interaction between young men and young women. Clearly different considerations would apply if the young woman appeared uncomfortable, was spoken to rudely, had her path physically blocked or was otherwise intimidated by the presence of the young men. In our view, the young men acted entirely appropriately and respectfully towards the young woman and she appreciated that conduct. To suggest that the commercial was an objectification of women merely because she wore a skimpy bikini and was attractive would be an illogical and unfair ruling by the ASB.*

## **THE DETERMINATION**

The Advertising Standard Board ('the Board') considered whether the advertisement complied with the AANA Code of Ethics ('the Code').

The Board noted the complainant's concern that this advertisement promotes the objectification of women, depicts unsafe behaviour, uses inappropriate language and hints at gang rape.

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

The Board first considered whether the advertisement complied with section 2.1 of the Code which requires that 'advertisements shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of ...sex.'

The Board noted that there is no relationship between a woman in a bikini and the product being advertised. The Board noted the focus in the advertisement on the woman's body and breasts and the depictions of the men staring at the woman because she is attractive. The Board considered that the woman is objectified. However the Board considered that the overall theme of the advertisement is light hearted and is specifically directed to depicting men who appreciate the beauty of a woman. The Board considered that the theme song which invites men to ensure that their friends also see the attractive woman is related to the woman

as she has herself presented herself at the beach and there is no indication that the men do anything to the woman other than watch her. In addition the Board noted that the woman appears confident and happy to receive the attention from the young men. The Board considered that there is a proportion of the community who would find the objectification of the woman in this advertisement unacceptable. However in the Board's view, although the advertisement objectifies the woman, it does not amount to discrimination against or vilification of women.

The Board then considered whether the advertisement complied with section 2.3 of the Code: '...shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone'.

The Board considered that the advertisement is not sexually suggestive and does not contain nudity. The Board considered that the song 'spot and share' does not imply sexual behaviour. The Board considered that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and that the advertisement did not breach section 2.3 of the Code.

The Board also considered whether the advertisement complied with section 2.5 of the Code and noted that section 2.5 requires that 'advertising or marketing communications shall only use language which is appropriate in the circumstances and strong or obscene language should be avoided.' The Board considered that the song 'spot and share' is not sexually suggestive and is not strong or obscene language. The Board considered that the reference to seeing the attractive woman and making sure your friends also see her is not inappropriate in the context of the advertisement. The Board considered that the song and language are not suggestive of rape and that the advertisement does not breach section 2.5 of the Code.

The Board also considered whether the advertisement complied with section 2.6 of the Code which required that advertising or marketing communications not depict material contrary to prevailing community standards on health and safety. The Board noted the image of the men in the car and noted specifically that the car is shown being driven and coming to a stop. The Board considered that although it is not clear that the driver of the car is wearing a seat belt, the age of the vehicle could mean that a seatbelt it not fitted or that it is a lash belt which is not visible. The Board expressed concern about the man seen sitting on the rear shelf of the vehicle and the man in the boot of the car. The Board considered that as the vehicle is depicted in motion the depiction of the person in the boot and the person sitting on the car rather than in a seat is a depiction of material that does breach community standards on safety in vehicles and safe driving. On this basis the Board determined that the advertisement breached section 2.6 of the Code.

Finding that the advertisement breached section 2.6 of the Code the Board upheld the complaint.

## **ADVERTISER RESPONSE TO DETERMINATION**

We have considered the ruling of the Board, and the issues raised in your letter in light of the AANA Code of Ethics (specifically Article 2.6 regarding community standards on safety in vehicles and safe driving) and respond as follows:

We propose to modify the commercial so that the car depicted is not shown to be in motion at any time.

We trust that this answers the concerns of the Board.