



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0268/10</b>
<b>2</b>	<b>Advertiser</b>	<b>Colgate Palmolive Pty Ltd</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>Dismissed</b>

### ISSUES RAISED

2.3 - Sex/sexuality/nudity      Treat with sensitivity to relevant audience

### DESCRIPTION OF THE ADVERTISEMENT

A woman is shown pushing her bike down a path, the basket of which contains fruits, a bottle of milk and some Palmolive NutraFruit Shower Gel. She is imagining herself showering with the Shower Gel as a voiceover describes it. She comes to a fountain, takes off her dress and then gets in and begins using the Shower Gel. Final voiceover states "so pleasurable, it's addictive".

### THE COMPLAINT

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

*I would just like to express my disapproval to the current television advertising of the product Palmolive Naturals Nutri-Fruit Shower Cream. It includes nudity and I have contacted colgate-palmolive directly encouraging them look at advertising their product in a less provocative manner as their current add is riddled with pushing the boundaries beyond acceptance and I believe they will continue to make more sexuality based commercials if they are not stopped. In my plea to them I state "If this add does not appeal to me a young woman with two daughters and the person who does the entirety of the household shopping (who I would have thought you would be trying to sell the product too) then who is your intended target group with this add as the only small population that this add would appeal to would be a very young teenage boy at best! and they would be only interested in seeing the naked woman it would not make them want to buy your product as they wouldn't have any interest in your product at all just the naked woman and seeing as they don't do the shopping so I just don't see the point in this add at all it is not selling your product it is offending people". I believe the problem with this add is the fact that it contains so much nudity and public nudity*

*at that. The entire naked woman is displayed for most of the add she is shown in full length entirely naked. During the add her breast is fully exposed her arms are extended/outstretched with no attempt of any discretion at all and only a glint of sunlight is used over her nipple area in a manipulative way to further promote attention to her nudity. Also the woman is not "showering" which I can see from previous peoples complaints is Colgate-Palmolive's usual pathetic excuse for promoting nudity on TV particularly during time slots that children would be viewing but they have gone way too far this time and need to be stopped. The woman is portrayed naked in a water fountain IN PUBLIC which is actually illegal!!! and the police officer just stands by and lets it happen what message is that portraying to children young people and people in general - strip off and bathe in public its fun and it is totally acceptable and there will be no consequences you'll just feel refreshed and nice and clean nothing clean about that! this add reeks of various problems please review it with urgency.*

## **THE ADVERTISER'S RESPONSE**

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

*Colgate-Palmolive is committed to conducting all advertising and promotion with integrity and takes seriously any complaints made in relation to its advertising and promotion. Colgate-Palmolive is a responsible advertiser with a comprehensive review process in place for all advertisements and is committed to compliance.*

*Having considered this matter in detail, Colgate-Palmolive believes that the advertisement does not breach the AANA Code of Ethics (Code), having regard to section 2 of the Code or otherwise and respectfully submits that the advertisement is a fanciful, light-hearted portrayal of a shower experience using a decadent, moisturising shower gel product.*

*With reference to specific sections of the Code, Colgate-Palmolive respectfully submits as follows:*

*1. Section 2.3: Advertisements shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, to the relevant programme time zone*

*The Complaint was made with reference to this section on the basis of alleged full nudity and exposure of the woman's breast being provocative. However, the advertisement does not contain full nudity or exposure and it treats sex, sexuality and nudity with sensitivity, particularly having regard to the product, the relevant audience and placement. Colgate-Palmolive has taken great care to ensure that the advertisement has been placed appropriately. The target audience is the young-mid adult female and male audience and the spot placements are amongst programming that is targeted at that audience.*

*The advertisement is a fanciful depiction of a decadent shower experience and it does not contain any gratuitous or overt uses of sex, sexuality and nudity. The woman is depicted showering and swirling, enjoying a dreamy moment, which is in context with advertising a shower gel containing moisturisers and "swirls" of colour as a point of difference to Colgate-Palmolive's other products. In addition, there is an abundance of sunlight and water such that the woman is covered and there are no express or implied references to sex, sexuality or nudity in the accompanying voice over, it relates to the use of the product and the shower experience only.*

*Colgate-Palmolive submits that the majority of people would consider the advertisement to be light-hearted and fun, understanding the distinction between fact and fiction.*

*2. Section 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 [...] sex [...].*

*A specific reference to this section of the Code is included for completeness. Colgate-Palmolive submits that the advertisement does not portray people or depict material in a way that discriminates against or vilifies a person or section of the community on account of gender. The advertisement is for shower gel and shows a beautiful, fanciful portrayal of an experience/concept and does not contain any express or implied suggestion of discrimination or vilification.*

*3. Remaining sections of the Code*

*Colgate-Palmolive submits that the advertisement does not breach the remaining sections of the Code (sections 2.2, 2.4, 2.5, 2.6, 2.7 or 2.8), due to there being no violence in the advertisement, it is not marketing to children, the language used could not be considered inappropriate, strong or obscene and there is nothing in the advertisement that could contravene the Prevailing Community Standards on health and safety. In relation to sections 2.7 and 2.8, the product being advertised is not a motor vehicle or a food or beverage product.*

## **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 relating to the nudity depicted in the advertisement.

The Board viewed the advertisement and noted the advertiser’s response that the target audience is a young-mid adult female and male audience and that the advertisement was placed in programming targeted at that audience.

The Board considered whether the advertisement was in breach of section 2.3 of the Code. Section 2.3 of the Code states: “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 Board noted the advertisement was for a Shower Gel and that the women depicted was in the shower, albeit a water fountain shower, and it was therefore appropriate for her to be naked.

The Board considered there was some modesty in the content of the advertisement as there was no full frontal nudity depicted and the woman’s body was discretely covered with coloured “swirls” of creamy shower gel together with the special effects created by the sunlight and water contributing to this impression. The Board further considered that the

content of the advertisement was not intended to be viewed realistically, but rather as a fanciful, light-hearted, fun experience.

The Board considered that the nudity depicted in the advertisement is discrete, sensitive and not inappropriate considering the relevant audience and therefore determined that the advertisement did not breach Section 2.3 of the Code.

The Board considered that the depiction of a person taking off their clothes to bathe in a fountain may be a depiction of illegal behaviour but was clearly exaggerated and not depicted in a manner likely to encourage behaviour other than the use of the product at home. The Board determined that the advertisement did not depict material contrary to prevailing community standards on health and safety and did not breach section 2.6 of the Code.

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