



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0268/16</b>
<b>2</b>	<b>Advertiser</b>	<b>GlaxoSmithKline Consumer Healthcare Australia</b>
<b>3</b>	<b>Product</b>	<b>Health Products</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>22/06/2016</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

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

## DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on a father picking up his daughter, Katie, and 5 of her school friends, when he is suffering from the pain of a headache. Subsequent scenes show the man playing games with the girls in the house: the girls tie him to a chair and skip around him, and we then see them with face paint pretending to be animals. A male voiceover explains the benefits of Panadol Rapid and in the next scene we see the man and girls playing football outside; after Katie scores a goal against her father we see him pick her up and twirl her around.

## THE COMPLAINT

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

*A young girl is swung around by an adult, her legs swing open and there is a view between the girl's legs beneath her short skirt, which is 'smoothed out' and is suggestive and very inappropriate and may incite / excite paedophile plus is demeaning to the little girl, sexually abusive, and likely to cause the little girl embarrassment later in life. Must not be viewed I surprised it could be allowed in the first place. Opens advertiser to negative publicity and potential financial damages claims.*

## THE ADVERTISER'S RESPONSE

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

*We understand that the complaint relates only to the scene where the father swings his child in celebration of her scoring a goal in the game of soccer (this act is depicted at the 26th second of the TVC). The complainant alleges that section 2.4 (Sex/sexuality/nudity, particularly sexualisation of children) of the AANA Advertiser Code of Ethics has been breached:*

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

*GSK uses children in many of its advertising campaigns and is committed to ensuring that the welfare and integrity of all child actors in its advertising is respected and that they are protected from ill-treatment and exploitation (including sexual exploitation).*

*GSK asserts that the scene complained about is not portrayal of sexualisation of a child and that the TVC meets all the necessary standards and policies relating to managing the use of images of Children and Young People, including:*

*(a) Ensuring the child is portrayed in a dignified and respectful manner – the scene complained about is an outdoor park setting in which the child and her father are making “family moments.” The child is swung around in celebration of her kicking a goal.*

*(b) Ensuring that image of the child is not sexually exploitative in nature or open to obvious misinterpretation and misuse – the child is wearing a shirt, skirt and thick tights and is taking part in outdoor activities, including play and celebrating with her father.*

*(c) Ensuring that the child’s parents are present at the filming of the TVC – please see attached confirmation that the mother of the child was present at the shoot.*

*In context of the above and in considering the purpose and message of the TVC, GSK maintains that the scene complained about is not open to misinterpretation or misuse and is clearly not sexually exploitive in nature. Further, GSK has received a very positive response to this TVC based on consumer research, confirming that the TVC conveys a ‘caring, genuine and reassuring tonality.’*

*GSK is committed to ensuring that its advertisements adhere to the AANA Advertiser Code of Ethics and the Practice guide for Managing Images of Children and Young People.*

## **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 this advertisement depicts a suggestive and inappropriate view between a young girl’s legs.

The Board viewed 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 television advertisement for Panadol shows a father interacting with his young daughter and her friends after collecting them from school.

The Board noted the complainant's concern over the scene showing the man swinging his daughter around in the air. The Board noted the man is holding his daughter under her arms and as he swings her around her legs are apart. The Board noted that this scene is very fleeting and considered that the woollen tights the girl is wearing are not revealing. The Board noted that this type of activity, swinging a child around by holding under their arms, is common between parents and children and considered that there are no sexual undertones to the advertisement and no focus on the young girl's crotch.

The Board noted the complainant's concern that this scene is suggestive and inappropriate but considered that this interpretation is unlikely to be shared by the broader community. Overall the Board noted that the advertisement depicted a normal loving relationship between a father and daughter and considered that the advertisement did not contain any depictions of sex, sexuality or nudity.

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.