



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0271/18
2	Advertiser	Jacobs Douwe Egberts
3	Product	Food and Beverages
4	Type of Advertisement / media	TV - On Demand
5	Date of Determination	06/06/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The advertisement features female burlesque dancers in what appears to be a backstage area. One of the women takes a sip of coffee and the camera zooms in on her lips as she is exhaling. Another woman bends over and runs her hands along her thighs. The advertisement ends with a woman passing through a set of curtains to enter what appears to be lit-up stage.

THE COMPLAINT

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

I feel the ad is completely degrading of women. Before I realised it was a coffee ad I actually thought it was soft porn!

For me it's just another ad using women inappropriately to advertise a product.

This advert is using women's bodies to sell coffee capsules and, as a result, L'or is perpetuating existing gender stereotypes that reduces women to passive bodies to be



desired. As there is no logical connection between coffee and a woman's body (unlike it would be if the advertiser was selling underwear or similar) the conclusion must be drawn that L'or is simply using women's bodies for aesthetic purposes, and the women's bodies are hence reduced to objects. The setting - a backstage room of a strip club - only adds to this process of objectification and, in my opinion, it is highly ethically questionable to market consumer products using actors portrayed as working in the sex industry.

THE ADVERTISER'S RESPONSE

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

The advertisement

By way of background, the advertisement referred to in the Complaint is a digital video that advertises the French coffee, L'OR. A copy of this advertisement is submitted for your reference. This advertisement was limited to only three platforms: Facebook, YouTube and CatchUp TV on SBS. The audience was targeted to those over 18 years of age.

L'OR is a French coffee brand which was created, and is still made, in France. The name 'L'OR' is French for 'gold' which aligns with the premium French nature of the coffee. The brand positioning is one of elegance and sensuality which has arisen largely in part due to its French origins.

The advertisement itself forms part of L'OR's "Seduce Your Senses" activation (Campaign), which aims to promote the French Parisian-inspired coffee, L'OR, by seducing ones' senses with the premium taste, quality and aroma of L'OR espresso coffee.

The partnering of L'OR with the French Burlesque theme follows on from this 'French Elegance' brand positioning. Burlesque is strongly associated with France as well as being known as an elegant artform that invokes empowerment, seduction and sensuality but in a tasteful manner. This is much in the same way that the Campaign is intended to seduce the senses of consumers by providing them with an intense coffee experience.

Summarising the above, the key message of the advertisement is to seduce consumers senses with the taste, quality and aroma of the French L'OR espresso coffee with this seduction of senses being further tastefully portrayed by the empowering and elegant artform of French Burlesque.

Alleged breach of the Code



For the reasons set out below, JDE does not respectfully consider that the advertisement breaches section 2 of the Code.

a) Section 2.1 (Discrimination or Vilification): The advertisement does not discriminate or vilify against race, ethnicity, nationality, gender, age, religion, sexual preference, disability or political belief. There is no unfair or less favourable treatment in relation to the aforementioned categories, nor is there any humiliation, intimidation, incitement of hate or contempt/ridicule.

For completeness, we appreciate that the women portrayed will likely be viewed as attractive. However, we note that this does not mean that the advertisement discriminates or vilifies women. The AANZ Code of Ethics Practice Note (Practice Note) clearly states that:

'portraying a woman as attractive does not of itself constitute discrimination or vilification of women'.

We therefore do not consider that the threshold of discrimination or vilification has been met.

b) Section 2.2 (Exploitative or Degrading): Section 2.2 of the Code provides that an advertisement shall not employ sexual appeal in a manner that is exploitative or degrading of any individual or group of people.

It is not denied that the advertisement contains sexual appeal – this is part of the brand positioning and the clear link between the L'OR coffee being used to 'seduce your senses'.

However, and as noted in the Practice Note:

'not all images or other material depicting people who are scantily clad or naked will be unacceptable under this section ... only if it employs sexual appeal in a manner which is exploitative of or degrading to any individual or group of people'.

Therefore the question is not whether the advertisement contains sexual appeal (as this is not disputed), the question is whether the advertisement has reached the threshold of exploiting or degrading women. We do not consider that to be the case for the following reasons.

Exploitation of Women:

In order to be considered as exploitation, the advertisement would need to show that the women are portrayed in a way that is unfair to them¹. This is clearly not the case.



o There are no visual cues of a situation in which the women are being treated unfairly or taken advantage of.

o The women in the advertisement are not depicted as 'objects' or 'commodities'. For example, there is no depiction of any other person treating them as an object or commodity. No audience members are shown and nor are any men. The women are depicted, as French Burlesque dancers are intended to be, as strong and confident women that are preparing for their show and drinking French coffee.

o The body parts that are focussed on are relevant to the L'OR espresso being advertised. Namely, the mouth is a key focus as the Burlesque dancer is consuming the coffee. She then lets out a sigh as a way to play on the 'seduce your senses' theme – being that the coffee has elicited a positive sensorial response. The same can be said for the depiction of the other women within the advertisement – any sexual appeal links directly back to the French L'OR coffee (which is shown via visual cues through the advertisement) due to the concept that the coffee is intended to 'seduce the senses'.

Degrading of Women:

We note one of the complainants is of the view that the ad is degrading of women. We respectfully disagree. To be degrading means that the women must be portrayed in a manner that causes a loss of self-respect.

The depiction of the Burlesque dancers does not lower their individual characters or quality, nor does it do the same for women in general. It is important to understand that Burlesque is an artform and should not be judged as degrading simply because women are depicted in sexual manner. This would be different if the advertisement was shaming, humiliating or demeaning the dancers – but this is not the case and we do not consider the threshold of degradation has been crossed.

Burlesque in general

Lastly, and as a general over-arching comment, it must be clearly explained that Burlesque dancers are not in the 'sex industry' (as one of the complainant notes). Burlesque is a form of dance that tells a story – it is a show for both men and women to enjoy. To rule that a portrayal of Burlesque dancers is exploiting and degrading of women would be unfair and discriminatory against those women who perform Burlesque and are proud of what they do. Burlesque is an elegant artform that has an underlying theme about women's confidence in themselves. This is articulated well by one of the French Burlesque dancers shown in the Campaign, Valentina Del Pearls, which we enclose for your reference. In this day and age, we consider that the general public would also be of the same view.

c) Section 2.3 (Violence): There is no actual or suggested physical violence being shown



in the advertisement. Therefore, this section is not relevant.

d) Section 2.4 (Sex, Sexuality and Nudity): This section provides that advertising shall treat sex, sexuality, and nudity with sensitivity to the relevant audience.

In our view, the use of sexuality is justified by the wider context and relevant audience. Particularly, and as previously noted:

o The Campaign for L'OR is focussed on the 'seducing your senses' by way of L'OR espresso's premium taste, quality, aroma and its over-arching 'French-ness'.

o The partnering of L'OR with the French Burlesque theme follows on from this 'French Elegance' brand positioning. Burlesque is strongly associated with France as well as being known as an elegant artform that invokes seduction and sensuality but in a tasteful manner.

o To put it simply, the advertisement portrays women in an elegant manner, depicting a French artform, that is connected to a French coffee product – both of which are intended to 'seduce the senses'.

o There are references throughout the advertisement to L'OR coffee and the Burlesque dancers drinking the coffee.

o It is important to note that the relevant audience in this case is targeted to those persons over 18 years old and who are on the higher socioeconomic scale. The audience are not likely to be minors and the product (being a coffee product) is not something that is generally attractive to minors, it is an adult product.

o To authentically associate L'OR with the Burlesque artform, all the costumes used in the ad already belonged to the talent as a tool of their craft, ensuring wardrobe accuracy.

o The same dancers from 'Seduce your Senses' were also shown in an outdoor projection in Darling Harbour on April 5th & 6th. The creative depicted dancing & similar outfits and was approved as 'family friendly' by the Sydney Harbour Foreshore Authorities prior to screening. It is noteworthy that we are not aware of any complaints being made relating to that screening.

For completeness, we were also careful not to portray any nudity, maintain the tastefulness of the French Burlesque artform yet still portray costumes accurately, not portray the show itself, nor any audience members.

e) Section 2.5 (Language): This section is not relevant as no words are spoken in the advertisement. Therefore, the advertisement clearly does not use inappropriate,



strong or obscene language.

f) Section 2.6 (Health and Safety): The advertisement does not depict any unsafe practices or practices that could be deemed contrary to community standards about health and safety. Therefore, this section is not relevant.

g) Section 2.7 (Distinguishable as Advertising): It is clear to consumers that this advertisement is advertising for L'OR Coffee. This is by way of the clear L'OR branding throughout the advertisement and depiction of coffee in a cup branded with the L'OR logo.

For reasons outlined above, we respectfully request that the Ad Standards Community Panel dismiss the Complaint.

THE DETERMINATION

The Ad Standards Community Panel ("Panel") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Panel noted the complainants' concerns that the advertisement is degrading of women, is overly sexualised and is using women for aesthetic purposes which is objectifying of women.

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

The Panel noted that the advertisement features several women in what appears to be a backstage area. One of the women takes a sip of coffee and the camera zooms in on her lips as she is exhaling. Another woman bends over and runs her hands along her thighs. The advertisement ends with a woman passing through a set of curtains to enter what appears to be lit-up stage.

The Panel considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: "Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative or degrading of any individual or group of people."

The Panel noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:

Exploitative - (a) taking advantage of the sexual appeal of a person, or group of people, by depicting them as objects or commodities; or (b) focussing on their body parts where this bears no direct relevance to the product or service being advertised. Degrading – lowering in character or quality a person or group of people.



The Panel noted the complainants' concerns that the advertisement featured scenes that were degrading and exploitative towards women.

The Panel noted that this advertisement does show a coffee cup at the beginning of the advertisement and during the middle, and ends with the coffee logo. The Panel considered that this makes it clear that the advertisement is for coffee. The Panel also noted the final frame in the advertisement shows the advertiser's logo and the phrase 'seduce your senses', which it considered relevant to the overall theme of the advertisement of the backstage of a burlesque show.

The Panel noted that there is a consistent burlesque show theme throughout the advertisement, however considered that the audience and stage are not shown and it is possible that the women were preparing for a play or theatre production, rather than a strip show and the viewer cannot make a determination based on the information provided.

The Panel considered that while the advertisement contained sexual appeal the women in the advertisement were shown to be confident, enjoying themselves and were not depicted in a way which could be considered exploitative or degrading.

The Panel determined that the advertisement did not breach Section 2.2 of the Code.

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 the complainants' concerns that the advertisement contained and near naked women and was overly sexualised.

The Panel considered that the advertisement is very stylised in its use of sepia overtones and a burlesque show theme.

The Panel considered that there is sexual innuendo in the advertisement in the form of bending over and a woman running her hands up her thighs but that this is depicted as being how the coffee makes her feel.

The Panel noted that there is no actual nudity depicted in this advertisement. The Panel considered that the women in the advertisement are scantily clad, but that there were no nipples or genitals visible.

The Panel noted that the advertisement was shown on On Demand TV during a program aimed at adults and rated MA 15+.

The Panel considered that overall while the advertisement contains sexualised



imagery, the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant broad audience which may include children.

The Panel determined that the advertisement did not breach Section 2.4 of the Code.

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaints.

