



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0273/13</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>14/08/2013</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 - nudity

### DESCRIPTION OF THE ADVERTISEMENT

The advertisement depicts a woman showering and pampering herself with Palmolive's new Ayurituels Shower Gel in a luxurious Indian-inspired bathroom, while the female voiceover talks about the rejuvenating nature of the shower gel.

### THE COMPLAINT

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

*My offence is the whole advertisement involving a nude woman lathering in body wash, whilst most times she barely covered her private areas.  
This ad I saw twice in the last two nights at 6.15pm whilst watching the news with my 7 and 9 year old in a PG time slot. This advertisement is provocative and highly sexualised and definitely offensive particularly in this timeslot. As per the code of ethics that states: 2.4 advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.*

*I understand its a body wash and skin will be shown ... It's the way they show it that I find is wrong .. Too sensual too sexy. I have young boys I would like for them to respect women not see them for the body. Sex does not sell...it frustrates young mums like me who see how you*

*try to sneak all this sex onto.*

*The ad whilst attempting to blur the explicit nudity of the woman's breasts and pelvis does not leave much to the imagination. It is clear that the advertiser is using the sexual attractiveness of the woman to sell the product rather than its effectiveness at washing hair.*

## **THE ADVERTISER'S RESPONSE**

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

*Thank you for your email dated 29 July 2013, which refers to two complaints received by the Advertising Standards Bureau on 21 and 26 July 2013 respectively (Complaints).*

*Colgate-Palmolive provides the following information for the Board's consideration.*

### *Colgate-Palmolive's Comments*

*Colgate-Palmolive is committed to conducting all advertising and promotion with integrity and takes seriously any complaints made in relation to any such 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 portrayal of a relaxing and revitalising shower experience using a decadent, beautifully fragranced shower gel product.*

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

*1. Section 2.4: Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience*

*Section 2.2: Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people*

*The complaints raised concerns about the alleged nudity of the woman. 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 audience and the spot placements are amongst programming that is targeted at that audience. The advertisement does not employ sexual appeal in a manner that is exploitative and degrading of the woman in the advertisement, women, or any other individual or group of people.*

*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 enjoying a dreamy, self-indulgent moment, which is in context with advertising a shower gel containing exotic, Indian Ayurvedic ritual-inspired fragrances as a point of difference to Colgate- Palmolive's other products. In addition, there is an abundance of water, light, steam and Indian-inspired floral imagery 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, understanding the distinction between fact and fiction, would consider the advertisement to be a fanciful, spiritual and engaging way of communicating Colgate-Palmolive's marketing message that using the new Ayurituels Shower Gel helps to turn your daily shower into a relaxing, indulgent and rejuvenating ritual and experience.*

*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 [...] gender [...].*

*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 one's gender.*

### *3. Remaining sections of the Code*

*Colgate-Palmolive submits that the advertisement does not breach the remaining sections of the Code (sections 2.3, 2.5, 2.6 or 3.1), due to there being no violence in the advertisement, the language used could not be considered inappropriate, strong or obscene, there is nothing in the advertisement that could contravene the Prevailing Community Standards on health and safety, and it is not marketing to children. In relation to sections 3.2 and 3.3, the product being advertised is not a motor vehicle or a food or beverage product.*

*We trust that the above information addresses all of the matters raised in the Complaints and will assist the Board in its determination. However, please do not hesitate to contact me should you require further information or clarification.*

## **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 complainants' concerns that the advertisement depicts a woman showering in a manner which is sexualised and inappropriate for children to view.

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 the advertisement features a woman showering and that whilst she is clearly naked we do not see any of her private areas.

The Board noted the complainants’ concerns that the woman is presented in a sexualised manner and considered that it in the context of a shower product which is targeted at women it is not inappropriate to show a woman using the product provided there is no unnecessary nudity or sexualised posing. The Board noted that in this instance the woman’s private areas are covered by her arms or by special effects and considered that the depiction of the woman lathering herself with the gel in conjunction with the seductive voice over is designed to give the overall impression of indulgence rather than sexuality.

The Board noted that the advertisement had been rated ‘W’ by CAD. The Board considered that the content of the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant 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.