



Case Report

1	Case Number	0277/15
2	Advertiser	L'Oreal Australia Pty Ltd
3	Product	Toiletries
4	Type of Advertisement / media	Print
5	Date of Determination	08/07/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

2.5 - Language Inappropriate language

DESCRIPTION OF THE ADVERTISEMENT

This print advertisement features a woman's face against a pink background. The woman is holding a bottle of shampoo and there are other images of the product. The text reads, "You'll get one F 'N' L of a reaction. New Full and Luscious for visibly fuller, thicker hair".

THE COMPLAINT

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

I believe marketing that is geared to all age groups and also includes and can be seen by children, should not be suggestive or infer swearing/sexualisation etc.

THE ADVERTISER'S RESPONSE

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

We refer to your letter (Letter) in relation to a complaint made to the Advertising Standards Bureau (ASB) concerning a print advertisement for Garnier Fructis Full & Luscious hair products in a Woolworths catalogue WC240615 (Advertisement).

Thank you for providing L'Oréal Australia with the opportunity to respond to the Complaint, as set out below.

1. Background

L'Oréal Australia is the exclusive authorised distributor of Garnier products in Australia.

Garnier is an energetic, happy, honest, inclusive yet smart and uncomplicated brand that prides itself on delivering simple and effective beauty solutions for the young and young at heart consumer. With over 100yrs of innovation, Garnier is beauty 'know-how' that is uncomplicated and affordable: a beauty short cut that does the trick without the trouble.

Garnier's key brand connection point is the simple consumer truth that when you are feeling your best, you feel amazing; you are more confident and your day is ultimately going to be a great one! Garnier aims to create active beauty solutions powered by nature that deliver a boost of energy to hair, face and skin.

After successfully launching in Australia in 2002, Garnier Fructis has cemented itself as a market leader with its signature bright and fun packaging and irreverent sense of style.

2. The Full & Luscious Campaign

The Advertisement showcases Garnier's most recent and innovative range of haircare which focuses on creating hair fullness and volume. It aims to inform consumers of Garnier products' intrinsic characteristics and performance while conveying Garnier's brand identity in an entertaining manner. Garnier's playful brand spirit lends itself well to such a bold and game changing approach to advertising in the haircare category.

The Advertisement is intended to convey a sense of energy, youthful irreverence and fun. L'Oréal Australia acknowledges that while the Advertisement is attention grabbing, it is not intended to be inappropriate, offensive or lack sensitivity.

Further, it is noted that the L'Oréal Group's own internal Code of Ethics extends to advertising and marketing. In preparing the Advertisement, L'Oréal Australia took that Code and social expectations into account when creating the campaign.

3. Responses to Section 2 of the Code

In your Letter, you requested that L'Oréal Australia does not limit its response to the Complaint as the Board will also review the advertisement in its entirety against Section 2 of the Advertiser Code of Ethics (Code).

We have considered Section 2 of the Code and for the reasons set out below, L'Oréal Australia denies any allegations that the Advertisement breaches the Code.

2.2 - Exploitative and degrading

L'Oréal Australia does not believe that the Advertisement employs sexual appeal in a manner which is exploitative and degrading of any individual or group of people. In fact, the Advertisement seeks to depict a strong and confident female character whose hair has been tastefully styled in a manner that is not unusual for the style of a female haircare campaign.

2.5 – Language

The name of the Garnier products the subject of the Advertisement is Full & Luscious, which in shorthand is F'n'L. It is intended, in a cheeky manner, to express exclamation and shock at the improved look of one's hair after using Full & Luscious products.

Indeed a key purpose of the Advertisement is to convey the energetic, youthful irreverence and fun associated with the Garnier brand. The overall aesthetic of the Advertisement reflects Garnier's aim to strengthen its connection with consumers, reinvigorate its brand personality and make a bold statement.

It is important to note that there is no use of any expletives in the Advertisement. Rather, only the shorthand product abbreviation "F'n'L" is used. In the Australian vernacular 'F'n'L!' ('Effin' hell!') is an innocuous expression that is commonly used for dramatic effect to describe something that is awesome or has a high impact. Indeed, the reference to 'F' or 'Eff' demonstrates a specific effort by one using the expression to avoid using the direct swear word. This is in itself a form of self-censorship to avoid causing potential offence (if any, and in which case Garnier denies). The use of F'n'L is clearly a play on words, such as WTF or LMFAO – it is unequivocally distinguishable from the 'f' word and is used in a light hearted, humorous way in line with the overall context of the Advertisement and its purpose as stated above.

We consider that the shorthand use of F'n'L is used by Garnier in a manner consistent with its colloquial usage by Australians, to humorously describe the high impact of thicker, fuller and more lusciously beautiful hair that results from the use of Full & Luscious products.

Accordingly, L'Oréal Australia submits that while some may consider the use of 'F'n'L' is a bit tongue-in-cheek, it is not (for the purposes of section 2.5 the Code) strong or obscene language nor is it used in a demeaning or aggressive manner.

The Complaint

Further, L'Oréal Australia believes that the Advertisement uses language which is appropriate in the circumstances, having regard to its relevant audience and medium. Grocery catalogues are aimed at adults and late-teens who may be tasked with carrying out the regular grocery shopping for a household. They enable readers to assess sales and special prices across a wide range of products, which in turn informs buying decisions during their next supermarket trip. This audience does not include children. More specifically, Full & Luscious products are not products whose target market is children. As such, L'Oréal Australia submits that the relevant audience is mature and, as affirmed by the nominal number of complaints received by the ASB to date, unlikely to consider the language of the Advertisement as inappropriate.

It is most certainly not L'Oréal Australia's intention that the Advertisement conveys obscene language, and if such subjective perceptions exist, L'Oréal Australia submits that these are the views of a few and are not in line with Prevailing Community Standards. While attention-grabbing, the Advertisement is not inappropriate for its target audience.

The fact that only a nominal number of complaints has been received by the ASB to date, indicates that the Advertisement has not caused serious or widespread offence (having regard

to Prevailing Community Standards). To that end, we query whether the sentiment expressed in the Complaint is in fact representative of the view of the general public.

4. Previous ASB decisions

L'Oréal Australia notes that the ASB has previously dismissed numerous complaints in relation to advertising where the 'f' word has been bleeped or acronyms such as OMFG and WTF have been used. Specifically, L'Oréal Australia refers to the following decisions:

- Game Australia (0092/11)*
- Fox Sports (Premier Media Group) (0094/11)*
- Volkswagen Group Australia Pty Limited (0129/12 and 0131/12)*
- BMW Group (0158/12)*
- Spudbar (0095/13)*
- Fuller Brothers (0159/13)*
- Just Group Ltd (0187/13)*
- Sportingbet Australia Pty Ltd (0073/14 and 0068/14)*

In the interests of transparency, as at the date of this letter L'Oréal Australia is planning to continue to use the Advertisements until mid-July and potentially later in the year.

We respectfully submit that the Board should not uphold the Complaint, permitting L'Oréal Australia to continue to freely use the Advertisements in the market place at its discretion.

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 concern that the advertisement features language which infers swearing and is not appropriate for a publication which can be viewed by children.

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

The Board then considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: “Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided”.

The Board noted that this print advertisement features an image of a woman holding a bottle

of Garnier Fructis shampoo with the text, ‘You’ll get one F ‘N’ L of a reaction. New Full & Luscious for visibly fuller, thicker hair’.

The Board noted the complainant’s concerns that ‘F ‘n’ L’ means “effing hell” and that this reference to the F word is not appropriate.

The Board noted that it had upheld three versions of the television advertisement in this advertising campaign in case 0261/15 where:

“A minority of the Board considered that whilst there is a strong similarity between the phrase ‘F ‘n’ L’ and the phrase ‘effing hell’ in their view the advertisements uses on screen wording and images of the product to provide a context for the phrase and the product’s name, ‘Full and Luscious’ and that this link sufficiently justifies the use of the acronym as spoken by the characters.

The majority of the Board however considered that the manner in which the phrase ‘F ‘n’ L’ is spoken in the ‘PG’ rated advertisements and the context of this exclamation following sighting of a woman walking past, is more suggestive of the phrase ‘effing hell’. The Board acknowledged the link between the phrase, ‘F ‘n’ L’ and the product’s name but considered that overall the use of the phrase, ‘F ‘n’ L’ in the ‘PG’ rated advertisements, more clearly comes across as ‘effing hell’ and considered that that most people would consider this strong language and not appropriate in an advertisement for hair product.”

The Board noted it had also dismissed a fourth version of the advertisement where:

“The majority of the Board however considered that this version of the advertisement does make it clear what the phrase “F ‘n’ L” is intended to represent with the statement contextualised immediately by onscreen text and images of the product which highlight that ‘F ‘n’ L’ stands for ‘Full and Luscious’.”

In this print advertisement the Board noted that whilst there is some similarity between the exclamation, “effing hell” and the phrase, “F ‘n’ L” the use of just the written word rather than the spoken word lessens the impact of this phrase.

The Board noted that if you read the text in the advertisement in full, the phrase becomes, “You’ll get one Full and Luscious of a reaction’ and considered that whilst this does not make sense, the advertisement does make it clear what the phrase, “F ‘n’ L” is intended to represent: Full and Luscious.

The Board considered that in the context of a print advertisement in a supermarket magazine, the use of the letters, ‘F ‘N’ L’ next to a product called Full and Luscious is not inappropriate and would not be considered strong or obscene language by most members of the community. The Board determined that the advertisement did not breach Section 2.5 of the Code.

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