



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0284/13</b>
<b>2</b>	<b>Advertiser</b>	<b>Muk Hair</b>
<b>3</b>	<b>Product</b>	<b>Toiletries</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Poster</b>
<b>5</b>	<b>Date of Determination</b>	<b>25/09/2013</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

Various images promoting the muk product range. Image 1: Two men and two women on a sofa. They are all topless and the women's breasts are covered by hair or arms. Image 2: A topless woman holding open the fastening of her denim jeans. Her hair covers her breasts. Image 3: A naked man showering. He is viewed side on with one leg bent. Image 4: A topless man wearing denim jeans with a tub of muk styling paste in his pocket. Image 5: A man and women in a bath tub. They are facing each other and each have a leg hanging over the side of the tub. Bubbles cover their private areas. Image 6: A woman wearing a PVC body, gloves and high heeled boots is holding a whip.

### THE COMPLAINT

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

*I object to the placing of these advertisements in retail shop fronts where they can be seen by children (as happened with me and my child.)*

*The nature of these advertisements is, in my opinion, highly sexualised and therefore should be directed to a very specific adult target audience, not on display to a broad audience which has no control over what it sees. I also have my doubts as to whether the content is actually relevant to the products being advertised and also about the treatment of the women in the images.*

*I believe that by providing their retailers with promotional material of this nature, MUK Hair is going outside its intended target audience and does not treat sex and nudity with sensitivity*

*to the broader audience.*

*My ten year old child saw the pictures while we were out shopping and was very disconcerted. As a parent, I would like to be able to go about my business without having my child confronted by this sort of image. I can control what my child sees on television, on the internet and in magazines but not what is placed in shop front windows at children's eye level, as happened in this case.*

*Let me add that, as a mature adult, had I merely seen these images in an appropriate adult context, I would not have submitted this objection.*

*I request that MUK Hair limit this advertising to their website and magazines suited to their target audience, or at least advise their retailers to discreetly display the material inside their premises.*

## **THE ADVERTISER'S RESPONSE**

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

*Thank you both for the opportunity to respond to the complaint made regarding the point of sale material seen by the complainant in Sydney Road, Coburg, Victoria.*

*Let me start by saying that great care was taken to ensure the images would comply with the AANA Advertiser code of ethics. All images are attached for your perusal. I am personally responsible for creating the AD campaign and images. I spent a great deal of time researching the Advertising Standards Bureau website, and examining previous determinations that the board had made to use as a "benchmark" of what would be considered acceptable. Contrary to the complaint, there is no actual nudity in any of the images. There are no genitals, breasts or nipples visible in any of the images. Furthermore extreme care was taken to ensure the images submitted were not sexually suggestive in nature, and that the image was relevant to the muk product being advertised.*

*Image 1 Group Image. This contains absolutely no nudity, nor is it sexualized. There is also no interaction between any of the models. The image is designed to illustrate the various looks that can be achieved on different hair types when using muk products.*

*Image 2 Sally Image. This image contains no nudity, and shows less cleavage than would be visible if the model were to be wearing a bikini top. The image was designed to promote our "Deep muk Ultra Softening and Ultra Shine range of products".*

*Image 3 Drew Shower. This image shows a male in the shower, shampooing his hair, side on view, with no nudity or genitals showing. The model is holding our men's "fat muk volume shampoo" in his hand. We believe the image is very relevant, as this is exactly how shampoo is used.*

*Note- I would like to quote ANNA Case report number – 264/00 – Kotex Aust Pty Ltd*

*(Voodoo). The board dismissed the complaint on this image. The image depicts the equivalent "side on" nudity as muk image number 3*

*Image 4 Liam Image. This image shows a male dressed in Jeans, with a product of our "filthy muk" product in his pocket. This image contains no nudity. This image was designed to*

*show the hairstyle achieved by using the filthy muk styling product.*

*Image 5 Bath Image. This image shows a male and female model using muk shampoo and conditioner in the bath. This image contains absolutely no nudity, nor is it highly sexualized. There is also no contact or interaction between the two models*

*Image 6 Kinky muk curl amplifier image. This image contains no nudity. The image was designed to promote our “kinky muk curl amplifier” product.*

*Once again, thank you to the board for taking the time to peruse the images, and to read how they relate to the muk product range*

## **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 the advertisement features sexualised images which are not appropriate for a large window display where children can see them. The Board noted the complainant’s concern about the portrayal of women in the images.

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

The Board 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 and degrading of any individual or group of people.”

The Board noted that the posters were of various images promoting the Muk product range. The Board noted that all of the images used are very stylised and typical of current fashion photo shoots. The Board noted that the group image includes images of men and woman. The Board noted that the women are not overpowered by the men or in a position that is different to that of the men.

The Board noted that the woman in the image on her own with the zipper of her jeans open at the top is standing in a manner that is intended to feature her hair and the relationship to the advertised product. The Board noted that the model is naked from the waist up but her breasts are completely covered by her hair. The Board considered that the position of the woman and her half naked torso does not of itself amount to an image that is exploitative or degrading and that in the context of a hair product the image was not inappropriate.

The Board noted that the man in the image on his own depicts him in the shower and considered that in the context of promoting a shower product it is not inappropriate to depict nudity. The Board noted that the positioning of the man means his private area is not exposed and considered that the overall image is not exploitative or degrading to men.

The Board considered that the men and women in the advertisement are presented in a manner which is not exploitative or degrading and did not breach section 2.2 of the Code. 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 the various images include both male and female models wearing very little clothing and includes an image of a naked man in a shower and a man and a woman in a bathtub covered by bath bubbles. The Board noted that although some of the models are naked, there are no exposed breasts or genitals.

The Board considered that the images are stylised and are in keeping with fashion magazines and fashion outlets. The Board noted that the poster is situated in the window of a hair salon and that there is a clear relevance to the product available in store and the type of business operating on the premises.

The Board considered that the images were intended to draw attention to the hairstyles of the models and that this was reasonable as the promotion was for hairstyling products. The Board considered that the bland and dark colours were not appealing to children and although the position in a shop window did make the images available for viewing by children they were not overtly sexualised and were not inappropriate for the relevant audience.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and determined that the advertisement did not breach Section 2.4 of the Code.

Further finding that the advertisement did not breach the Code on any grounds, the Board dismissed the complaint.