



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0292/13</b>
<b>2</b>	<b>Advertiser</b>	<b>Blackmores Ltd</b>
<b>3</b>	<b>Product</b>	<b>Health Products</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>28/08/2013</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

Blackmores' "little less little more" campaign which asks people to register online with a pledge to do a little less of one thing and a little more of another. An example given is to have a "little more sex".

### THE COMPLAINT

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

*The time of the commercial was at approx 6:45pm on a Saturday evening - a family time of tv viewing. The campaign specifically asked for viewers to commit to the activity of engaging in "more sex". Considering the high volume of children watching tv during this early time of the evening, this would seem to be encouraging the 'sexualisation of young children' who were exposed to this message. If the commercial had been shown at a later more 'adult' time of evening, I believe it would have been more appropriate - especially as it directly asked for the viewers (and this case's, children's) 'participation' in sexual acts.*

### THE ADVERTISER'S RESPONSE

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

*Thank you for the opportunity to provide a response to the complaint made against the Blackmores Television commercial (TVC) for the 'Move More' campaign aired 3 August 2013 as detailed in the notification letter 9 August 2013.*

*We take the complaint regarding the Blackmores TVC seriously, and will address all areas of concern raised in relation to the AANA Code of Ethics (the Code), as it is our strong belief that this marketing communication is legal, decent, honest and truthful and has been prepared with a sense of obligation to the consumer and society.*

*We note that the complaint has been made under Section 2 of the Code. As described on page 4 of your letter dated 9 August 2013, the specific issues raised relate to:*

*Section 2.4 - Sex/sexuality/nudity S/S/N - general. "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience".*

*Also considered in our response is:*

*Section 2.6: Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.*

*We do not believe we have breached the code in either section as we have sought and obtained a rating issued by via FreeTV (CAD) prior to broadcast.*

*The details of the rating, time slot and classification are as follows:*

*The CAD details:*

- TVC: 'Blackmores Move More' 30 second brand (BLM000330B)*
- Reference number: PY31VPHA*
- Rating: PG*

*PG – PARENTAL GUIDANCE "P"*

*Definition: Parental Guidance Recommended*

*May be broadcast during the following hours, except during P and C programs or adjacent to P or C periods:*

- Weekdays 8.30am – 4.00pm*
- Weekdays 7.00pm – 6.00am*
- Weekends 10.00am – 6.00am*

*(Exercise care when placing in cartoon and other child – appeal programs.)*

*We ensured that our rating was provided to all relevant 3rd parties involved in the media buying and placement process.*

*We ensured that the TVC was only aired within the correct timeslots and programming classifications detailed above.*

*We would like to confirm that the relevant audience for this TVC is not children, as a brand predominantly known within Australia as a sponsor of therapeutic goods, our product advertising is not permitted by the Therapeutic Goods Advertising Code (TGAC) to be directed to children, whilst this campaign TVC subject to the complaint does not feature or promote therapeutic goods, it is consistent with our therapeutic goods advertisements, with in the target audience being adults aged who are engaged and interested in health and wellbeing. This TVC has been designed to target and attract specific audience categories, predominantly women who are in the 25 – 49 years age group.*

*The purpose and intention of the 'Move More' campaign is to inspire viewers to consider their health and be proactive about what they can do a little more and a little less of in their everyday life, giving attention to their overall health and wellbeing.*

*The tone of the TVC is light-hearted and positive in nature and is targeting adult viewers make a pledge of their lifestyle betterment and join our movement by making positive diet and lifestyle change, such as being more active, making improved diet choices and reducing stress levels.*

*The TVC does not contain any nudity or sexual acts; it is overtly sexually suggestive or*

*sexualised. It displays the words 'a little less stress' followed by 'a little more sex' shown for approx. 2.5 seconds. It is a commonly held notion that people who suffer from stress enjoy less sex than those who do not. By pointing this out in a light-hearted and fun way, we are in no means exhorting the viewer (of any age) to participate in more sex. Nor are we sexualising children in any way.*

*This scene is one of six examples of pledges presented to the audience with careful attention paid to the final execution so that it is tasteful and presents sex as part of a healthy lifestyle which is relevant to our targeted adult demographic.*

*We uphold that we are not in breach of Section 2.4 as we are not asking viewers to participate in or commit to sexual acts; we treat the relevant target audience with sensitivity and do not believe that the TVC is at odds with the prevailing community standards applicable to section 2 of the code for the relevant audience. The very mild level of sexual suggestiveness is appropriate for the PG rating and therefore the timeslots in which the TVC was aired.*

*Please consider our submission above and do not hesitate to contact us if you need any further information concerning the Blackmores 'Move More' campaign TVC.*

## **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 asks viewers to have more sex and this is inappropriate for an advertisement which can be seen by children.

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 various activities such as yoga, running and dancing and that one scene shows two pairs of feet in bed whilst the text on screen reads, “less stress” followed by “more sex”.

The Board noted the complainant’s concerns that children would see this advertisement and that it was not appropriate to encourage children to have more sex. The Board noted the content of the advertisement, as well as the product, is aimed at adults not children and considered that the suggestion to have more sex is only one brief part of the entire advertisement. The Board noted that the depiction of a couple in bed only shows their feet and considered that there is only a mild visual of a sexual reference.

The Board noted that the advertisement had been rated PG by CAD and considered that a brief image of a pair of feet in bed along with the text “more sex” is 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.