



Case Report

1	Case Number	0305/12
2	Advertiser	Johnson & Johnson Pacific Pty Ltd
3	Product	Toiletries
4	Type of Advertisement / media	TV
5	Date of Determination	25/07/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.5 - Language - inappropriate language
- 2.4 - Sex/sexuality/nudity - S/S/N - general
- 2.4 - Sex/sexuality/nudity - S/S/N - nudity
- 2.2 - Objectification - Exploitative and degrading - women
- 2.1 - Discrimination or Vilification - Gender

DESCRIPTION OF THE ADVERTISEMENT

The advertisement opens on an out of focus image of a woman aged mid 20's walking in the distance for approximately one second before she moves behind white flowers which cover her chest and lower body, with a backdrop that is mainly white.

The woman talks about how amazing our bodies are and she tells us that the discharge in between periods is the body's way of keeping the vagina healthy and the damp less than fresh feeling is why Carefree has designed acti-fresh liners. She then talks about Carefree acti-fresh product's qualities, which have an absorbent core to lock away wetness and odour, helping the product user to feel clean, dry and fresh every day. A pack shot of Carefree acti-fresh liners is then shown, the Advertisement offers a free sample available online and the woman closes with the words "Know yourself. Know Carefree".

THE COMPLAINT

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

As a woman I do not need this kind of advertising on TV and found it to be very disturbing and cheap.

I do not need or wish to hear discussion about VAGINAL DISCHARGES in an advertisement for a product. Watching a PG rated show should mean my children are not exposed to this type of advertising.

Do we as a family have to sit on our lounge on a Sunday night and be assaulted with mental images of what is in a woman's panties at the end of the day? This is absolutely disgraceful and I as a woman am utterly appalled that this company is allowed to discuss such truly intimate issues so blatantly on mainstream television. My husband and I have discussed this and the thing we really take issue with is the use of the terminology 'feminine discharge'. It's overstepping the mark insofar as personal female intimate bodily functions go and we believe it's wrong that this sort of thing should be advertised on television. Advertising products for menstrual periods is one thing but now telling us that we need a pad for everyday 'feminine discharge' is just taking it way too far. Please take this appalling advertisement off the air immediately!!!

It was in my face. To have the use of the word vagina and constant references to discharge during the programme was offensive and I want it taken down. It is embarrassing for all watching the TV.

The style of advertisement is offensive in that mentions the words 'vagina' and 'discharge'. There are some realities about womanhood and natural female cycles that should remain understood without being spewed into the home or public places through insensitive and offensive advertising.

I object to the use of the words vagina and particularly vaginal discharge on television. My husband and I were so shocked we just stared at the television in disbelief. The use of a naked woman is completely gratuitous as well. Please can you investigate?

THE ADVERTISER'S RESPONSE

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

We refer to the complaints received from the Advertising Standards Board ("ASB") dated 17 July 2012, reference numbers 0305/12, 0306/12 and 0307/12.

We have considered the complaints and the relevant provisions of the Australian Association of National Advertisers Code of Ethics (the "Code") and submit that the Carefree acti-fresh liner advertisement (the "Advertisement") the subject of the complaints complies with the Code for the reasons set out in this letter and therefore the complaints should be set aside.

CAD RATING/ CAD REFERENCE:

Please be advised that both of the Carefree® acti-fresh® 30" and 15" TVCs have been approved by Commercials Advice Pty Ltd (CAD), as evidenced by approval reference PW72GTCA & PW8W3TCA respectively. The advertising agency responsible for the creation of the ads was 303Lowe and the media buying agency was Optimum Media Directions (OMD).

Further to this, the Advertisements created for Carefree® acti-fresh® have received PG ratings by CAD and we submit that this is the appropriate rating and we have complied with that rating.

According to this designation by CAD, the Advertisement, having a PG rating, is deemed to contain careful presentation of adult themes or concepts which are mild in impact and remain suitable for children to watch with supervision (emphasis added).

PG rated shows 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 10am – 6am; Exercise care when placing in cartoon and other child – appeal programs.

Digital Multi Channels – in addition, may be broadcast during the following hours: Weekdays 6:00am – 8:30am; Weekdays 4:00pm – 7:00pm; Weekends 6:00am – 10:00am. Carefree has complied with the above guidelines. While Carefree would like to retain the option to place the Advertisement in accordance with the CAD approval, we have however actively sought to place the Advertisement in mature audience time slots predominantly after 8:30pm and between 12pm and 3.00pm on free to air while adults are more likely to be providing parental guidance – which the ASB will see from some of the complaints. On Pay TV, the Advertisement has been shown during programs that were targeted to women aged 18 to 39, being the appropriate audience for the Advertisement.

DESCRIPTION OF THE CAREFREE ACTIFRESH LINERS ADVERTISEMENT:

The advertisement opens on an out of focus image of a woman aged mid 20's walking in the distance for approximately one second before she moves behind white flowers which cover her chest and lower body, with a backdrop that is mainly white and 'pure' giving the cue of naturalness of the subject matter.

At all times during the remainder of the advertisement, only an image of her face, shoulders and stomach are visible to the viewer. While the heroine may appear to be or imagined by the viewer to be naked, no nudity is shown.

After the opening shot she then turns to camera, which moves in closer on our heroine and she begins to talk to the audience in a confident and informative way. She speaks about how amazing our bodies are and she tells us that the discharge in between periods is the body's way of keeping the vagina healthy and the damp less than fresh feeling is why Carefree has designed acti-fresh liners. Our heroine then informs the audience of the Carefree acti-fresh product's qualities, which have an absorbent core to lock away wetness and odour, helping the product user to feel clean, dry and fresh every day. A pack shot of Carefree acti-fresh liners is then shown, the Advertisement offers a free sample available online and our heroine closes with the words "Know yourself. Know Carefree".

In response to the complaints about the language in the Advertisement

We refer to the complaints received by the ASB and provided to us. These complaints object to use of the word vagina and discharge. The ASB has referred us to 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." (emphasis added)

It appears that some of the complainants are embarrassed by use of the correct terminology for a woman's body and its natural bodily functions, however we submit that fails to establish that we are in breach of section 2.5 of the Code.

Carefree® encourages women to be open, honest, and natural and is doing the same by using the word vagina in its campaign.

The advertisement addresses vaginal discharge. Vaginal discharge is normal – it is the female body's natural way to help keep the vagina clean and healthy which all women experience in varying degrees from puberty to menopause. However, if the wetness is left in the underpants, bacteria from the skin can feed on the discharge which combined with sweat, causes odour.

Our research has shown that 71% of women admit to experiencing discharge while 66% are bothered by it. It is because of these concerns that Carefree would prefer to break the silence about this issue. Our aim has been to address the issue respectfully and honestly by showing women of all ages – from puberty to menopause – that discharge is a normal bodily function, that it's OK to discuss it and that there is a product available which can help them address a physiological part of a woman's life if they choose to.

The use of the correct anatomical names, such as references to the vagina, discharge and its effects are also a response to research we conducted before making the Advertisement. The research showed that many women do not want to refer to themselves or their anatomy in diminutive or euphemistic terms and believe that advertisers should stop referring to their vagina as "down there" or by referring to it with reference to an animal. Please also see the support we have received since the Advertisement aired which confirms this, which is discussed below under the section "Support Received Regarding the Advertisement".

In our view the words vagina, discharge, odour and wetness are appropriate in the circumstances and in accordance with the CAD rating of PG (i.e. Parental Guidance Recommended), the Advertisement is appropriate to be shown in time slots where adults can view the ad and parents can provide guidance and, if needed, have an appropriate discussion with children. Those words are certainly not "strong" or "obscene".

The Advertisement is a celebration of the female body and everything it can do. We have created an advertising approach that's honest and elegant to address this perfectly natural yet often delicate subject and the language used is appropriate in the circumstances and as set out above, appropriate for the relevant audience and medium.

Accordingly, we submit that the Advertisement complies with the Code and is not in breach of Section 2.5 of the Code or any other section of the Code.

In response to the complaints of nudity

We refer to the complaints received by the ASB and provided to us. The ASB has referred us to 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 images of our heroine in the Advertisement are at all times tasteful and either show her from a distance and blurred for the first second of the Advertisement or show her standing behind flowers while she speaks about the product. While the viewer may get the impression of nudity, you cannot see if she is naked. The impression of nudity is intended to convey the honesty of what she is saying, her comfort and her confidence with her body and how it works – she is able to speak openly and honestly about the issue and how to address it. She has nothing to hide, however to be sensitive to the audience, we cannot see her nudity.

Accordingly we submit that, in accordance with the Code, the images of the woman in the Advertisement and the subject of nudity has been treated with sensitivity and with respect to the relevant audience.

In our view "sex" is not relevant as "sex" refers to either gender or the procreating act. To the extent that the Advertisement deals with issues of "sexuality" (i.e. the characteristic of the female reproductive elements) we submit that the language used and the images of our heroine as discussed above have also been treated with sensitivity and with respect to the relevant audience and within context of the subject matter.

Support received regarding the Advertisement

Our Consumer Care Center has also received an overwhelming number of positive responses to the TVC with 81 compliments as at Monday 23 July. Attached and marked "B" are a selection of these supportive comments we have received by email, telephone and online.

We understand that the ASB has also received at least one comment complimenting Carefree for having the maturity to use the words in the Advertisement.

The Editor of beautyheaven.com.au Debbie Selikman, our spokesperson regarding this issue also commends the honesty of the campaign, and anyone who chooses to create healthy dialogue about real concerns that women have about their bodies:

“The members of beautyheaven.com.au agree that this needs to be addressed and is something that women want to be able to talk about in an open and natural way. These women are looking for encouragement to have honest conversations about their personal health.”

We also attach copies of statements made in various online forums in support of the Advertisement (attached and marked “C”)

Conclusion

For the reasons set out above we submit that the Advertisement complies in all respects with the provisions of the Code (including the Codes incorporated therein), and in particular Sections 2.4 and 2.5 of the Code.

We respectfully ask the Advertising Standards Board to set aside the complaints it has received.

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 advertisements features references to a woman’s bodily functions which are not appropriate and that the language used is offensive and not appropriate.

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

The Board considered whether the advertisements were 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 advertisement is for panty liners and features a female actor talking about vaginal discharge. The Board noted that the advertisement had been rated ‘PG’ by CAD which means it can be broadcast between 8.30am and 4pm on weekdays, and between 7.30pm and 6am on weekdays and weekends.

The Board noted the complainants concerns that feminine hygiene is not appropriate for discussion on television. The Board noted that the advertisement presents the issues surrounding feminine hygiene in a manner which is factual and considered that the references to the workings of a woman’s vagina are treated with sensitivity to the relevant audience.

The Board noted that some members of the community would prefer that feminine hygiene products are never advertised on television. The Board considered that the advertisement

presents the product appropriately and treats the subject with sensitivity to the relevant audience.

The Board noted the complainants concerns that the woman in the advertisement is naked and noted that strategically placed flowers cover the woman's private parts so that only her shoulders and belly are visible. The Board considered that the woman's nudity is presented in a manner which is not inappropriate for a PG rated advertisement and that as her private areas are covered up the advertisement does treat nudity with sensitivity to the relevant audience.

On this basis the Board determined that the advertisement did depict sex, sexuality and nudity with sensitivity to the relevant audience and that it did not breach section 2.4 of the Code.

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 the word 'vagina' is used in the advertisement and that the complainants were concerned that this word is offensive and inappropriate.

The Board noted that the word 'vagina' is the correct anatomical name for the part of the woman's body that the advertisement is concerned with. The Board considered that whilst some members of the community may be uncomfortable with the use of the word 'vagina' in the Board's view it is not a word which would be considered inappropriate in the context of the advertisement. The Board noted it had previously dismissed an advertisement featuring the use of the word 'vaginal' (60/07) where it found that the use of the word was not 'explicit or inappropriate'.

The Board considered that in this instance the advertiser handles the subject matter in a factual, straightforward manner using language appropriate for the subject and the relevant audience.

The Board determined that the advertisement did not use strong or obscene language and 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.

