



## Case Report

1	Case Number	0317/10
2	Advertiser	Procter & Gamble Australia Pty Ltd
3	Product	Toiletries
4	Type of Advertisement / media	TV
5	Date of Determination	28/07/2010
6	DETERMINATION	Dismissed

### ISSUES RAISED

2.6 - Health and Safety within prevailing Community Standards

### DESCRIPTION OF THE ADVERTISEMENT

A dark haired young woman is explaining that she used the new Herbal Essences collection that morning. She goes on to describe what it contains and what it does and says she was "transported to Hair Spa heaven" and we see her lying in a round bath filled with bubbles and with petals raining down. We can also see someone else's hands washing her hair. We then cut to reality and see the same woman falling off her couch and a female voiceover says, "Clearly someone's been doing the Herbal."

### THE COMPLAINT

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

*This advertisement alludes to drug-use. The model's stumbling off the couch and the subsequent tagline "Someone's been doing the herbal" allude to the use of marijuana for two reasons. Firstly the stumbling reflects the reduced reflex and inhibition of somebody who has been smoking marijuana and secondly as marijuana is commonly referred to by the slang term 'herb' "doing the herbal" alludes to smoking marijuana. I believe the combination of these two components are a blatant attempt to resonate with the youth demographic that are curious about drugs and I believe it encourages drug use as acceptable.*

*All 6 people under the age of 25 I've viewed this advertisement with have concurred that the ad alludes to drug use without my prior suggestion of such themes. When confused parents were informed of what the tagline meant they failed to see the relevance to the product. I also fail to see the relevance.*

*I thus suggest that this advertisement breaches section 2.6 of the Code which requires that advertisements 'shall not depict material contrary to prevailing community standards on health and safety'.*

*If Procter & Gamble can prove that this advertisement had no intention to allude to drug use I would be relieved yet still ask for it to be removed as young people are finding it alludes and promotes drug use whether intentional or not.*

## **THE ADVERTISER'S RESPONSE**

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

*P&G strongly denies that the Advertisement is intended to allude to, or to promote as acceptable, drug use. P&G does not believe the Advertisement contravenes the AANA Advertiser Code of Ethics.*

*We have broken down the complainant's allegations and respond to each element below: Stumbling reflects the reduced reflex and inhibition of somebody who has been smoking marijuana: The girl falling off the couch is indicative of her waking from her dream about using Herbal Essences. P&G denies that the Advertisement reflects the complainant's allegations. The preceding images of the girl at a hair spa are clearly indicated as being part of a dream sequence through the use of music and imagery.*

*Marijuana is commonly referred to by the slang term "herb", "doing the herbal" alludes to smoking marijuana": P&G strongly denies this allegation. "Doing the Herbal" is a direct reference to using Herbal Essences. We note the complainant has not provided any evidence in support of his allegation as to the use of the slang "herbal".*

*The combination of these two components are a blatant attempt to resonate with the youth demographic that are curious about drugs and I believe it encourages drug use as acceptable: P&G strongly denies the alleged intention described by the complainant. Herbal Essence has been marketed for several years on the basic idea that using Herbal Essence products is an experience - in this advertisement it is like being transported to a hair spa, something which the girl featured in the Advertisement dreams about. The Advertisement in no way refers to drugs or encourages drug use.*

*The Advertisement does not imply that the girl has been exposed to marijuana, as alleged by the complainant. An objective viewer would not view the Advertisement as alluding to or promoting drug use. Rather, an objective viewer would see the Advertisement as a play on words, alluding to the dream like, fantastic experience that results from using Herbal Essences. In fact, for many years Herbal Essences has been promoted as a hair care brand that will give its users an experience. In this case, it's the dream like experience of attending a hair spa. This message is reflected in the tag line "Someone's been doing the Herbal", that is: someone has been using Herbal Essences.*

*We hope that this letter addresses the concerns raised in your letter to us, and in the complaint.*

## **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 alluded to drug use.

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

The Board considered whether the advertisement was in breach of section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted that references to herbal shampoo and “doing the herbal” were clearly depicted as being related to the woman’s experience in using the hair product. The woman falling off the couch was clearly intended to be the consequence of her dreaming that she was at a day spa and in a spa. The Board considered that these elements were related to the product and were unlikely to be taken as a reference to drug use. The Board considered that the advertisement did not condone, promote or encourage drug use.

The Board determined that, in this instance, the advertisement did not depict material contrary to current prevailing community standards on health and safety and determined that the advertisement did not breach section 2.6

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