



Case Report

1	Case Number	0340/15
2	Advertiser	Unicharm Australasia (VIC)
3	Product	Toiletries
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	09/09/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

- Other Social Values
- 2.1 - Discrimination or Vilification Gender
- 2.1 - Discrimination or Vilification Physical Characteristics
- 2.3 - Violence Bullying
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

This advertisement opens on a nicely dressed young woman who gasps in shock. There in front of her is a woman dressed exactly the same as her, only she is a completely different person. The woman is a personification of her 'period self'. She checks her calendar on her phone to see that today is the day her period is due.

As her 'period self' moves in, she struggles with some common symptoms of her period, before noticing a commercial on television for SOFY BeFresh. The commercial shows a product demonstration of the 'Clean Barrier Technology' as the voice over says "New BeFresh from Sofy, with Australia's first Clean Barrier Technology that draws liquid away from the surface. Leaving you feeling clean, fresh and more like yourself".

We now see the original woman in a car with her friend as she says "Hello Fresh", outside we notice her 'period self' chase after her. The commercial ends with a pack shot and a voice over that says "New BeFresh, from SOFY".

THE COMPLAINT

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

It's disgusting and offensive. There is no need to describe a period in this detail. My young kids see this ad and I shouldn't have to explain what a jam donut means.

I don't think I could ever look at a jam donut the same way again.

The ad plays on stereotypes associated with women behaving irrationally when menstruating. It implies overweight women are gross and unattractive. It is offensive to women and sends poor messages to young girls about a normal bodily function and about body size.

Shaming of menstruation and representation of women during menstruation as irrational, negative, inappropriate. Fat-shaming by representing those aforementioned undesirable characteristics in a character supposed to be the main character in a larger body habitus, therefore representing a larger body shape as also inappropriate and undesirable.

The misogyny and fat-shaming in this is abhorrent. To begin with, it builds the stereotype that women become angry, confused and lazy when on their periods and that menstruation is somehow a bad thing. And then there's the fat-phobia; Used as a device to emphasise how horrible menstruation is, like being slightly overweight is a bad thing? Shaming women in to using the product is ridiculous and obscene. "Use these panty liners and you will be fresh and THIN!" I am disgusted that this made it on to television. Please remove the advertisement immediately.

The ad is a highly offensive to women and men. It depicts women who are menstruating as fat, crazy and angry which is a sexist stereotype employed by men to undermine women every day.

The woman that has her period says she feels like she's sitting on a jam donut. It is disgusting and I feel embarrassed as a woman seeing that foul ad!

Offended by the violence. Offended that it was between women when we try hard to encourage women to support each other and not bully. Offended that the heavier woman was demeaned.

THE ADVERTISER'S RESPONSE

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

OVERVIEW

Please note that this response is to complaints 0340/15 and 0343/15

In regard to the range of complaints made to the Advertising Standards Bureau about the SOFY BeFresh TVC, we would contend that the advertisement was created with the intention of being light hearted and humorous in order to let women know about a sanitary pad innovation that solves very real issues that menstruating women face on a monthly basis. The advertisement was created using exaggeration and humour as a technique to talk to women who may experience a range of symptoms during their periods. These symptoms are widely published in medical and health journals as well as in consumer and social media and were

confirmed by the women that we spoke to in an extensive range of both qualitative and quantitative research. The symptoms include feeling bloated, irritable, hungry, unclean and having mood swings.

The advertising concept and TVC was extensively researched with members of our target market with checks undertaken at (1) TVC idea/concept, (2) TVC storyboard and (3) TVC finished film stage.

In our research we found that the use of humour in the TVC is appropriate and appealing to our target market of women 18 - 24. We contend that using humour to inform and entertain is consistent with community standards in advertising.

The advertisement does not suggest that all women feel all of these symptoms every time they have a period.

The TVC has a PG rating and is shown during PG timeslots, deemed to contain careful presentation of adult themes or concepts, which are mild in impact and remain suitable for children to watch with supervision. Accordingly the advertisement is being shown at appropriate times to an appropriate audience.

We note that under the Practice Notice the ASB is to have regard to “prevailing community standards” when considering complaints under Section 2 of the Code. We submit that prevailing community standards would support that the advertisement is not in breach of the Code because the majority of people would support that feminine hygiene products and the issues surrounding them, can and should be advertised on television. In the TVC SOFY BeFresh is presenting a solution to an issue women experience regarding blood sitting on the surface of their pads, making them feel less than their best while they have their period. We submit that the TVC does not “discriminate” against women in general, against menstruating women nor against any particular size of women, is not unfair, and does not treat women in general, menstruating women or any particular size of women less favourably and does not “vilify” or humiliate, incite hatred or contempt or ridicule any particular group of people including those identified above.

Accordingly we submit that the TVC complies with the Code and is not in breach of Section 2.1, 2.2, 2.3, 2.4, 2.5 or 2.6.

DETAILED RESPONSES TO EACH SECTION

2.1 Advertising or Marketing Communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.

The SOFY BeFresh TVC presents a light hearted and humorous portrayal of how women can feel when having their menstrual period.

The following list of symptoms is from www.betterhealth.vic.gov.au

PMS differs from one woman to the next. The wide range of PMS symptoms can include:

- *abdominal bloating, fluid retention*
- *acne*
- *anxiety, confusion*
- *clumsiness*
- *depression and lowered mood, which may include suicidal thoughts*
- *difficulties in concentration, memory lapses*
- *digestive upsets, including constipation and diarrhoea*
- *drop in self-esteem and confidence*
- *drop in sexual desire, or (occasionally) an increase*
- *feelings of loneliness and paranoia*
- *food cravings*
- *headache and migraine*
- *hot flushes or sweats*
- *increased appetite*
- *increased sensitivity to sounds, light and touch*
- *irritability, including angry outbursts*
- *mood swings, weepiness*
- *sleep changes, including insomnia or excessive sleepiness*
- *swollen and tender breasts*

Premenstrual syndrome (PMS) refers to the range of physical and emotional symptoms that some women experience in the lead up to menstruation. Symptoms usually stop during or at the beginning of the menstrual period. There is at least one symptom-free week before symptoms start returning.

We therefore contend that the presentation of “Period Self” in the SOFY BeFresh TVC cannot be degrading in any way as this is a factual part of being female for many. To say that it is negative and degrading is ignoring the reality that women can and do feel like this. The TVC did not portray that all women would feel this way all the time.

The complaints include the contention that the advertisement is “fat shaming”, “fat phobic” and that the “bigger woman” is the “butt of the joke”. The actress who was selected for

“Period Self” was chosen because she is a normal sized Australian woman. The average clothes size for Australian Women is commonly agreed to be size 14 - 16 (source: SMH March 6 2013). The actress is within this range and was cast to be a normal representation of an Australian woman who is experiencing her period. She was also cast for her acting and comedic skills which are present in the TVC. In no way can “Period Self” be considered as a negative portrayal of “fat”.

“BeFresh Self” was cast to contrast with “Period Self” and visually present the “Fresh” benefit of the SOFY BeFresh product. In order for the advertisement tell a clear narrative, the two selves needed to clearly project different emotions and personalities. In no way is the contrast between the two selves presented as degrading or demeaning and our research identified that the contrast is both relatable and funny.

We therefore contend that the SOFY BeFresh TVC is not discriminating against or vilifying women who have their periods nor is it vilifying or discriminating against any other physical feature that has been raised in the complaints.

2.2 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 SOFY BeFresh TVC does not employ sexual appeal in a manner which is either exploitative or degrading.

We do not see how “BeFresh Self” could be considered to portray sexual appeal. She is wearing modest clothing and is not presented in a sexualised way.

“Period Self” is portrayed as menstruating and is shown to be reacting to this biological event in a series of humorous scenes, but this cannot be considered to be in any way employing sexual appeal to exploit or degrade menstruating women.

2.3 Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

There is no violence at all in the TVC.

It has been suggested in a complaint that “Period Self” is bullying “BeFresh Self”.

At the beginning of the TVC “Period Self” is seen to question “BeFresh Self” as to why she is surprised to see her. SOFY BeFresh consumer research, as well as common community sentiment, can confirm that many women tend not to welcome the regular arrival of their period with delight, and may in fact resent its arrival in the manner that is portrayed in the SOFY BeFresh advertisement.

At the end of the TVC “Period Self” says “wait” and puts her face against the window of the car. This is not at all violent nor do we feel that it could be interpreted as “bullying” and is again, a light hearted and humorous visual demonstration of the freedom that “BeFresh Self” feels when she is able to cast off “Period Self”

The definition of bully is to “use superior strength or influence to intimate (someone), typically to force them to do something”. As “BeFresh Self” and “Period Self” represent the

same women, while the narrative may represent an internal struggle based on physical and emotional symptoms, there is no portrayal of the intimidation of someone else. We would contend that the interaction between “BeFresh Self” and “Period Self” is solely a representation of an individual dealing with menstruation symptoms and that the advertisement does not contain bullying of any kind.

2.4 Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

The SOFY BeFresh TVC does not deal with sex, sexuality or nudity. “Period self” in the shower scene cannot be seen through the frosted walls of the shower and is only identifiable by her voice.

If sexuality is being referenced in regard to women’s menstruation cycle, this is a normal part of life and it is not against community standards to include this topic in a TVC. The SOFY BeFresh TVC has been given a PG rating which is appropriate for the material. We note that the age for females to start menstruating in Australia is commonly between 10 – 14 (source: <http://www.healthdirect.gov.au>).

2.5 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.

SOFY BeFresh has designed a sanitary pad that effectively deals with the issue of clotting, sticky blood which can be expelled during a menstrual period. The technology is innovative in the Australian market and has been patented (Patent Number: AU2012233343).

To clearly communicate this benefit, the SOFY BeFresh TVC needed to share the issue of women feeling their blood sitting on their pad and not being absorbed. This is relevant to many women who may feel constrained in going about their daily activities while experiencing this sensation during their period.

WebMD confirms the presence of clotting sticky blood in menstrual flow.

Many women have clots in their menstrual blood from time to time. The clots may be bright red or dark in colour. Often, these clots are shed on the heaviest days of bleeding. The presence of multiple clots in your flow may make your menstrual blood seem thick or denser than usual.

Your body typically releases anticoagulants to keep menstrual blood from clotting as it's being released. But when your period is heavy and blood is being rapidly expelled, there's not enough time for anticoagulants to work. That enables clots to form.

The “Jam Donut” term, which appears in the complaints, is a playful analogy to describe the physical sensation that women feel when their pad is not soaking up the blood and the sticky clotted material that is present in the fluid. This analogy is used in the place of directly saying “sitting in a pool of sticky clotting blood” or similar, which is what the women in research told us they were feeling. The SOFY BeFresh TVC is intended to demonstrate the absorbent quality of the product in an impactful yet empathetic way by using a jam donut analogy.

The words jam donut are not in themselves derogatory terms. Jam donut was found in our consumer research to be an acceptable euphemism to the target market.

We contend that there is no language which is either strong or obscene.

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

The SOFY BeFresh TVC deals with neither health nor safety. When “Period Self” has her face to the window of the car and says “wait”, the car is not moving and hence this cannot be considered unsafe in any way.

Finally, we would like to point out that while some sections of social media did take a negative view on the advertisement in order to (presumably) provoke interaction, women have responded in large numbers with very positive commentary. We believe that the response is a good reflection of community sentiment and that overall, women have warmed to the honest portrayal of menstrual symptoms displayed in the advertisement.

<https://www.facebook.com/nova969/posts/979173918772547>

<http://www.dailymail.co.uk/femail/article-3205598/Sofy-BeFresh-menstrual-pads-ad-slammed-fat-shaming-women-periods.html#comments>

<https://twitter.com/roseflan/status/634224808113233920?s=09>

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 advertisement implies overweight women are disgusting and women behave irrationally during menstruation, and that it depicts a woman bullying another woman.

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

The Board acknowledged that some members of the community would prefer that this type of product not be advertised on television and noted it had previously dismissed complaints about similar advertisements in cases 0244/12, 0402/12, 0069/14 and 0403/14. The Board noted that feminine hygiene products are legally allowed to be advertised and considered that the Board’s determination is based on the content of the advertisement and not the nature of the product advertised.

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray or depict material in a way which

discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.'

The Board noted that this television advertisement features a woman on the first day of her period coming face to face with the personification of her period – this personification is wearing the same clothing but is a larger dress size and has an attitude.

The Board noted the complainants' concerns that the advertisement suggests overweight women are disgusting. The Board noted that the larger woman is clearly portrayed as the personification of the woman during her period and considered that the focus of the advertisement is on periods, and sanitary pads, and not on body weight. The Board noted the advertiser's response that research indicates that many women feel bloated when they have their period and considered that the use of the larger woman was intended to represent that bloated feeling.

A minority of the Board noted that a different actress was used to play the part of the personified period and considered that by using two actresses of clearly different body sizes the advertisement did mark out the personified period as being heavier. The Board noted that the research indicating that some women feel bloated when menstruating but considered that there is a difference between feeling bloated and being a number of dress sizes larger. A minority of the Board noted that the personified period is representative of a normal Australian body size and considered that by using a thin model to represent 'normal' women the advertisement is promoting negative views about normal body size.

The majority of the Board however noted that whilst the advertiser could have used the same woman to play both roles, the Board considered overall that the focus on the advertisement was how a period could make you feel rather than what is a healthy body size. The majority of the Board considered that the advertisement did not suggest overweight women are disgusting, rather that it clearly represents that periods can make some women feel bloated and 'not yourself'. The Board considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of their body weight.

The Board noted the complainants' concerns that the advertisement incorrectly suggests that women with their period behave irrationally and that this is a negative and incorrect stereotype.

The Board noted the advertiser's response that research has shown that symptoms experienced by many women when menstruating include "feeling bloated, irritable, hungry, unclean and having mood swings".

The Board noted the woman's behaviour in the advertisement includes extreme examples of these symptoms. A minority of the Board considered that by linking the negative behaviour to the larger woman, who is also presented as less attractive than the slimmer woman, the advertisement is making a link between body size and unattractive behaviour.

Following considerable discussion however, the majority of the Board considered that most members of the community would recognise that advertisers often use exaggerated scenarios in their advertisements in order to quickly get a message across to the viewer and in this

instance the Board noted that the advertisement does not suggest that all women feel these symptoms or behave in this manner when menstruating. The Board considered that the humour employed in the advertisement lends a light-hearted tone to the basis of the woman's behaviour which the advertiser has researched and that overall the advertisement links the woman's behaviour to menstruation and not to body size or appearance.

Overall the Board considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of their gender or physical characteristics.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Board noted that in the opening scene in the advertisement the personification of the woman's period snatches her bag from her. The Board noted that the personification is acting in a surly manner but considered that the manner in which she snatches the bag from the woman is not violent.

The Board considered that the advertisement did not present or portray violence and determined that the advertisement did not breach Section 2.3 of the Code.

The Board 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 the complainants' concerns about the phrase, 'I feel like I sat on a jam donut'. The Board noted that advertisers are free to use whatever phrases they wish in an advertisement provided that such phrases do not breach a section of the Code. The Board acknowledged that some members of the community would find the use of the phrase 'jam donut' in relation to a woman menstruating to be unpleasant and inappropriate but considered that the phrase is not inappropriate in the context of the advertised product and the message the advertiser is trying to convey about how women may feel when menstruating.

The Board considered that the phrase 'I feel like I sat on a jam donut' would not be considered to be 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.

The Board then considered 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 the complainants’ concerns that the woman in the advertisement is bullied by the personification of her period. The Board noted that the personification is intended to be representative of a period and considered that her actions in the advertisement are reflective of how a period can affect some women’s everyday life. The Board considered that the advertisement did not depict, encourage or condone bullying behaviour.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety.

The Board determined that the advertisement did not breach Section 2.6 of the Code.

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