



Case Report

1	Case Number	0350/13
2	Advertiser	Unilever Australasia
3	Product	Toiletries
4	Type of Advertisement / media	TV
5	Date of Determination	09/10/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The TVC opens at night in the middle of an ice rink showing a couple lying on the ice just about to kiss each other. The scene stops before the couple starts kissing.

Voice Over (VO): Play it Cool

Cut to a couple kissing on the floor of an apartment. The woman is holding a snake and the man looks a little worried at the snake. The woman does not seem worried at all.

VO: Wild

Cut to a couple kissing at a conservative middle class family's dinner table. The grandmother looks surprised. The rest of the family ignore them and continue eating their meal quietly.

VO: Play it straight

Cut to a woman and a man in two convertible sports car in the middle of a car park. Both are leaning out of the car and start kissing each other.

VO: Fast

Cut to a couple kissing in a recording studio.

VO: Loud

Cut to a man and a woman kissing on a street at night. The next scene shows police dragging the couple away from each other.

VO: For keeps

A Lynx Play deodorant CAN appears with a small "New" sticker

SUPER: How do you want to play it?
VO: Lynx. How do you want to play it?

THE COMPLAINT

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

Lynx effect deodorants advertisements have all been from the very beginning quite explicit in advertising SEX and sexuality in a way that is getting worse with each new advert viewable at a time when young children are still sitting in front of the television in the evening. As well as being totally unnecessary to sell their product, the sexual implications visually suggest to indulge in the same actions in order to fully appreciate their product use. When attacks on women are forefront in the news today, this material is not helping either men or women to behave in a considerate fashion in public. And the youth believe this is the way one should behave normally.

THE ADVERTISER'S RESPONSE

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

The TVC is being aired as a 15 second version. We note that the ASB is considering the TVC in relation to issues that fall under Section 2.4 of the AANA Code of Ethics.

Lynx is a brand that communicates to its target audience in a fun, tongue-in-cheek way that we know is relevant to its audience. Lynx also has a proud history of award winning TVCs which both entertain and surprise consumers. The TVC continues this tradition, using surprising and funny entertainment to advertise Lynx Play Body Spray.

In essence, Lynx advertisements are about the importance of good hygiene to support health and wellbeing. Good hygiene, feeling and appearing clean, and the use of fragrance helps boost the confidence of young men who often find themselves daunted by the dating game.

Unilever is a responsible advertiser and has numerous internal review processes, including review by Unilever's Legal and Corporate Relations Departments to critique all advertisements, to ensure compliance with legal and ethical considerations.

Unilever takes the AANA Code of Ethics seriously and we have taken great care to ensure that the TVC complies with the Code of Ethics. When developing our media schedule for Lynx campaigns, we carefully choose programming that is consistent with the tone, themes and content of our advertising, and that it is directed to an appropriate audience.

Compliance with AANA Code of Ethics

2.1 Programming

CAD provided the TVC with a “W” (General/Care in Placement) rating whereby the TVC “May be broadcast at any time except during P and C programs or adjacent to P or C periods. Exercise care when placing in cartoon and other programs promoted to children or likely to attract a substantial child audience”. Unilever has taken great care to ensure that the TVC has been placed in programming as prescribed in the CAD approval. The TV media buying is targeted at a young adult male audience. As such, the spot placements are amongst programming that is targeted at its intended audience, on Channels ONE, 7Mate and Eleven, during programs like ‘Seinfeld’, ‘How I met Your Mother’ or the movie “She’s out of my league’. The TVC is consistent with the content, themes and style of humour the audience would be exposed to during this type of programming.

2.2 Section 2.4 of the Code of Ethics

Under section 2.4, advertising and marketing communication shall treat sex, sexuality and nudity with sensibility to the relevant audience.

The complainant states that the TVC is showing “a man and a woman kissing very suggestively while 1) she holds a snake, 2) in a theatre, 3) a restaurant. All very explicitly suggestive almost to lead one on to repeat the same actions.” The complainant further states that “sexual implications visually suggest to indulge in the same actions in order to fully appreciate their product use”.

We submit that the sexual references throughout the TVC are treated with sensibility to the relevant audience. It does not contain any nudity and only low level sexual references. The TVC shows couples in different situations who are kissing each other or about to kiss. Kissing couples involve some reference to sexuality, but the TVC deals with this with sensibility, due to the humorous way the couples are shown kissing each other. The couples are shown in everyday situations at the dinner table, in their cars or on the street. They are not shown in an inappropriate way or in compromising positions.. Each of the scenes has a headline that is announced in the voiceover. Consumers will understand that the TVC advertises the “Play” variant of the Lynx Bodyspray range in a humorous way this is done by showing a confident woman, and a man who is trying to ‘keep up’ with her.. For example, in the ice rink scene the woman pushes the man on the ice; in the apartment scene, the woman holds the snake confidently while the man looks worried; at the dinner table the woman pulls the young man towards her and kisses him, with a curious and humorous glance from the onlooking grandmother;; and in the last scene, the woman holds the man’s neck while kissing him on the street.

In each scene the man and the woman are fully dressed, with the exception of the “Wild” scene where the uncovered legs of the woman are visible. In this scene, the snake has been included to add a humorous and ‘wild’ element, with the man looking worried about the snake. While the woman is holding the snake, it does not move and does not suggest that the couple will engage in sexual activities after their kiss.

The theme of the TVC and its humour is consistent with the style of themes that viewers of the television programming would be regularly exposed to. The TVC is entirely appropriate with respect to the programme time zones and its audience. We submit that, in light of prevailing community standards, the TVC does treat sex and sexuality with sensibility to its audience and is not likely to cause serious or widespread offence. We believe that the audience

understands the humour intended. There may be some viewers who may feel offended by showing kissing couples, but the humorous way in which the TVC deals with this subject is well within prevailing community standards and the standards set by the AANA Code of Ethics

Conclusion

We submit that the context and topic of the TVC is well within prevailing community standards and that TVC complies with the Code of Ethics.

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 a couple kissing in a sexually suggestive manner which is not appropriate for children to see.

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 that the advertisement shows various scenes of the same couple kissing as the voice over asks, “How do you want to play it?”

The Board noted the complainant’s concerns that the visuals are encouraging young people to act in the same way and that the use of the product will assist you to achieve this.

The Board noted that the couple in the advertisement appear to be young adults and are clearly over the age of eighteen. The Board noted that in each of the scenarios the couple are consenting and participating equally in the moment.

The Board noted that the couple are seen kissing passionately but considered that there is no inappropriate nudity and that the images are not strongly sexualised. The Board noted that some of the scenarios are not ideal places to be displaying affection of this level such as at the dinner table and through the windows of separate vehicles but agreed that these scenes were very stylised and intended to be humorous and added to the overall theme of the advertisement.

The Board noted that the advertisement had been rated “W” by CAD which means it could be seen by children and considered that the content of the advertisement was not inappropriate for viewing by a broad audience which could include children.

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.