



Case Report

1	Case Number	0355/15
2	Advertiser	Calvin Klein Perfume
3	Product	Toiletries
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	23/09/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The ETERNITY NOW Calvin Klein advertising campaign features models Jasmine Tookes and Tobias Sorensen, in black and white photography and in various scenes including in a bedroom and on the street. The background music is "never tear us apart."

THE COMPLAINT

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

It showed them in a manner which was inappropriate for children watching during the time period - my 8 and 10 year old children were watching and asked why were the people in the ad dressed the way they were.

THE ADVERTISER'S RESPONSE

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

This response is made by Coty Australia Pty Limited, the distributor for Calvin Klein fragrances in Australia.

Background

The ETERNITY NOW Calvin Klein advertising campaign features real-life couple, models Jasmine Tookes and Tobias Sorensen, in black and white photography that captures the raw

expression of love and emotion between a young couple. Set against a backdrop of brilliant daylight, the intimacy and magnitude of the moment when he realizes she is his forever is beautifully expressed with stunning clarity. Their truly authentic attraction embodies the key values of the classic ETERNITY Calvin Klein fragrance.

The Advertisement starts with the TVC soundtrack playing on the turntable record player. This is followed by the real life couple walking down the streets of New York. The couple are then seen affectionately embracing and kissing each other in various areas of their apartment.

The Complaint

The specific concerns raised by the complainants are that the Advertisement:

- 1. "Showed men and women in sexual positions, it showed them kissing with no clothes on."*
- 2. It "was inappropriate for children watching during the time period"*

The AANA Code of Ethics

The ASB has identified that section 2.4 of the AANA Code of Ethics (Code of Ethics) may have been breached by the Advertisement.

Coty has carefully reviewed and considered the complaints made about the Advertisement under the Code of Ethics and specifically section 2.4.

Section 2.4

Coty does not believe the Advertisement breaches section 2.4 of the Code of Ethics.

Section 2.4 states that any advertising or marketing materials shall treat sex, sexuality and nudity with sensitivity with regards to the relevant audience.

In line with the AANA Code of Ethics Practice Note (Practice Note), we confirm that the Advertisement does not contain sex, sexuality or nudity; nor are there any images or depictions as described within the Practice Note whereby they are not relevant to the Product. We believe the TVC depicts their love and affection with sensitivity.

Coty rejects the complainants' allegation that the Advertisement shows men and women in sexual positions and with no clothes on. The advertisement depicts the man shirtless but can be seen he is wearing jeans whilst the woman is seen wearing a singlet and her underwear. The advertisement does not show full nudity nor is it highly sexually suggestive.

Placement of the Advertisement

With reference to the complainant's allegation that the Advertisement was inappropriate for children watching during that time, the CAD rating of the programme is "PG" indicating that Parental Guidance is recommended. With this rating, this ad 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 and Weekends 10.00am – 6.00am.

Section 2.1 of the Code has not been breached as the Calvin Klein TVC does not portray people or depict material in a way that discriminates or vilifies a person(s) as identified in the section.

Section 2.2 of the Code has not been breached. The Calvin Klein TVC is not exploitative and degrading of any individual or group of people.

Section 2.3 of the Code has not been breached as the Calvin Klein TVC does not present or portray any violence.

Section 2.5 of the Code has not been breached. No strong or obscene language has been used in the Calvin Klein TVC.

Section 2.6 of the Code has not been breached. The Calvin Klein TVC does not depict any material contrary to Prevailing Community Standards on health and safety.

Conclusion

Coty respectfully disagrees that the Advertisement is in contravention of Section 2.4 of the Code of Ethics and is confident that the Advertisement meets all prevailing community standards.

It is therefore Coty's submission that this complaint should be dismissed as there is no evidence of any breach of the Code of Ethics or of any other industry Codes.

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 depicts a man and woman being intimately involved in a manner not appropriate for viewing by children.

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

The Board then 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 this television advertisement features a couple in various scenes, such as in the street, in the bedroom and on a balcony. The couple are embracing and kissing and the end screen shot shows two bottles of the fragrance and the words Eternity Now – Calvin Klein. The background music is "Never Tear us Apart."

The Board noted the complainant's concern that the images were not appropriate for children to view.

The Board noted it had considered a similar complaint for the same advertiser in case 0536/14. In that case the Board noted that

"...whilst there is physical contact between the woman and a man, whose torso is naked, in the Board's view this contact is sensual rather than sexualised.

The Board noted that we see the woman running her hands over her body including her chest area and towards her abdomen but considered that in the context of the stylised nature of the advertisement this image was consistent with fashion advertising of this nature.

The Board noted that the private areas of the woman and man are not shown and considered that the brief kissing scene is not sexualised or inappropriate for a broad audience which could include children. "

The Board noted that the current advertisement is in black and white and noted that the man is seen without his shirt on in some scenes and there is a scene where the woman's shirt is being removed. The Board noted that the couple are shown embracing and kissing but considered that whilst this is mildly sexualised the overall tone is artistic and the level of nudity is minimal.

Similar to the previously considered case, the Board considered that in this case, the advertisement and background music is intended to give an overall impression of passion and long lasting love and that in the context of the name of the advertised product, Eternity now, this depiction is not inappropriate.

The Board noted the advertisement had been rated 'PG' by CAD and had been aired in the relevant PG timeslot. The Board considered that the depiction of the couple kissing was not inappropriate in the context of a PG rated advertisement which could be seen by children.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and did not breach Section 2.4 of the Code.

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

