



Case Report

1	Case Number	0368/10
2	Advertiser	Brand Developers
3	Product	Toiletries
4	Type of Advertisement / media	TV
5	Date of Determination	08/09/2010
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience

DESCRIPTION OF THE ADVERTISEMENT

The advert is of girls in a bathroom, applying make up. Another girl enters the bathroom and starts applying Thin Lizzy. She is wearing a white ruffled top and you can see the inside curve of her breasts.

THE COMPLAINT

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

*Section 2 of the AANA Code of Ethics Portrayal of sex/sexuality/nudity
The top was very low and revealing. It is not a good standard for our younger generation of girls. We are adults and we should raise our standards so we can raise nice girls.*

THE ADVERTISER'S RESPONSE

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

The complainant has made a very vague complaint regarding the style of dress the model in this advertisement was wearing. Brand Developers refute any suggestion that it was overly

revealing, suggestive or salacious. This is a product being demonstrated totally in context – a young woman, attractively dressed, putting on the final touches for an evening out. In today’s fashion code she is far from extreme and the commercial is designed to appeal to women, not to tickle the rampant hormones of young men.

Dress sense and taste is always a subjective matter, but one could specify many instances where TV presenters, and even newsreaders, have been far more provocatively dressed on air. In these in situations you couldn’t even claim a relevance of show’s content to the female presenter or assistant who is so obviously flaunting their sexuality. As for red carpet premiere occasions, so very little is left to the imagination by the celebs, be they A’s, Bs or also rans.

This advertisement was first issued with a CAD approval number GRFQ0ROA on Friday 11 December 2009 and has played on Australian networks hundreds of times since then without a single complaint before this. In a land of bikini babes where a scantily clad dolly leaps akimbo and demands “where the bloody hell are you”, and a family viewing quiz Deal or No Deal parades a phalanx of blonde dollies in cut down Cheerleader garb, Thin Lizzy’s model must almost rate conservative. In our opinion, many other advertisements, programmes and presenters all display a far more provocative picture without raising public concern or displeasure.

The one thing about this TVC complaint that does concern us is that the complainant has been given confidentiality. We would not like to think a competitor has been given anonymity to be able to cause a problem for this company with a petty complaint. If it is a genuine viewer, while we appreciate their view we do not agree with it. We have reviewed the Code of Ethics Section 2 and cannot find any clause that either the product or the advertisement fail against. Legal advice was not sought as the product is long established and the execution of the advertisement was not extreme for a cosmetic product. We felt that CAD acceptance was sufficient guidance.

We would ask that our positive views be taken along with your own considerations to not uphold 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 shows a female wearing a very low cut and revealing top.

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

The Board considered whether the advertisement was in breach of section 2.3 of the Code. Section 2.3 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone”.

The Board noted that the advertisement had been rated G which means it may be broadcast at any time except during Preschool and Children’s programmes.

The Board noted the advertiser's response that the clothing the female is wearing is suitable for a night out, and that the focus of the advertisement is on the makeup she is applying as a finishing touch to her appearance. The Board considered that whilst the woman's top is low cut it is not overly revealing and is in keeping with the fashion of young women, particularly in a night club setting.

The Board considered that the main focus of the advertisement was the makeup range. The Board determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and that it did not breach section 2.3 of the Code.

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