



Case Report

1	Case Number	0369/10
2	Advertiser	Kimberly-Clark Aust Pty Ltd
3	Product	Toiletries
4	Type of Advertisement / media	TV
5	Date of Determination	08/09/2010
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Other

DESCRIPTION OF THE ADVERTISEMENT

We see a man sat at a desk, writing. A male voice over introduces him as John, a lawyer. On either side of John, on the desk, are two packs of nappies: one is Snugglers, the other is Pampers.

The voice over talks about Pampers being twice as likely to leak as Snugglers and then a hand comes in to shot and throws some liquid from a glass over John.

The final shot is of a close-up of the Snugglers nappies pack and the text: "Superior leakage protection".

THE COMPLAINT

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

The advert suggests that the executive is wearing a Snuggle's nappy and makes light of the very real need for adult personal products of this nature as well as making it appear as though an executive wearing a baby or toddler product is normal. I find the inference extremely offensive and in very poor taste. I also see very little relevance to the product in the advert.

THE ADVERTISER'S RESPONSE

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

We have received notification of a complaint against our latest SNUGGLERS® Nappies TV advertisement. In response we are sending a copy of the advertisement (in an MPEG file format) and a copy of the script. Below are comments in relation to the complaint. All employees at Kimberly-Clark Australia and our advertising agencies are acutely aware of our responsibility to parents and the community at large in relation to the standard of our advertising and as such take any complaints seriously.

Regarding the complaint that falls under section 2.1 of the AANA Advertiser Code of Ethics, our response is as follows. The advertisement was developed to communicate that Snugglers Nappies are superior in performance to Pampers Nappies – in fact that Pampers Nappies are twice as likely to leak as Snugglers Nappies. In order to clearly convey this message the character of a lawyer is utilised to humorously highlight the disclaimer which features details of the test conducted and by which research agency. The imagery of the lawyer being splashed with water is merely to emphasise that wetness is uncomfortable and therefore leakage protection is important when choosing nappies. It is not intended to convey or imply that the lawyer or adult is wearing the nappy.

The products featured – Snugglers Nappies and Pampers Nappies – are nappies for babies 0-36 months. Both have very high levels of awareness with Snugglers having approximately 90% brand awareness and Pampers having over 75% brand awareness amongst mums with children 0-36 months tracked in the period April – June 2010. Furthermore, Snugglers Nappies have been in the Australian marketplace for over 30 years and therefore we believe most people would recognise that these products are not for adults but for young babies. For these reasons, we do not believe the advertisement is suggesting that the executive is wearing a Snugglers nappy nor do we believe we are making 'light of the very real need for adult personal products of this nature'. Therefore we do not believe this advertisement is discriminatory as per the complaint reference number 0369/10.

Kimberly-Clark Australia markets numerous products that are used in the care of children and adults and maintains the highest standards possible in promoting those products. We are serious about being a responsible corporate citizen and are always mindful that our advertising, or any other communication, should be acceptable to community standards. We believe that the TVC complies with the AANA Advertiser 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 makes light of the need for adult personal products of this nature.

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

The Board considered whether the advertisement was in breach of section 2.1 of the Code. Section 2.1 of the Code states: “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, sex, age, sexual preference, religion, disability or political belief”.

The Board noted that the advertisement was meant to be humorous and at no time was it suggested that the lawyer himself was wearing the product. The Board noted that the liquid is thrown at the lawyer to highlight how uncomfortable it can be to be wet, and that this action was illustrating the words spoken by the voice over.

The Board considered that the advertisement was not suggesting that adults wear the product, or that the adult featured was wearing the product, and that the advertisement was not making light of the need for adult personal products of this nature. The Board considered that most members of the community would realise that the advertisement is aimed at marketing the product for infants.

The Board determined that, in this instance, the advertisement did not depict any material that discriminated against or vilified any person or section of society on account of their disability. The Board determined that the advertisement did not breach section 2.1 of the Code.

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