



Case Report

1	Case Number	0379/10
2	Advertiser	Unilever Australasia
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

Against a background of dramatic violin music, we see various women looking unhappy because they have no one to join them in their activities: a woman in a bikini trying to apply to sunscreen to all of her back, a woman in shorts and bikini top next to a ping pong table, two bikini clad women on one side of a beach volleyball net, a woman playing spin the bottle on her own.

The text "You're needed at the Lynx lodge" appears on screen followed by a shot of three cans of Lynxy and the text, "Buy any Lynx product for your chance to visit."

We then see a man spraying his naked torso with Lynx, and then the text, "Lynx Lodge. Get Laid Back" appears on the screen.

THE COMPLAINT

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

I get that Lynx is meant to make Women attracted to you but this is pretty blatant that sex is the goal and that Women are objects. Now if the competition is real that probably makes it worse. But that's another story.

THE ADVERTISER'S RESPONSE

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

2. Overview

Lynx is a brand with a history of fun, tongue-in-cheek, playful advertising. Lynx also has a proud history of award winning commercials which both entertain and surprise its consumers.

The Lynx commercial the subject of the complaint is targeted at a demographic of young men aged 16 to 24, and was programmed accordingly. Unilever submits that this target audience of young men understands the playful and hyperbolic nature of the TVC and its distinction between fact and fiction.

CAD allocated the TVC a "C" (Children – General Unrestricted) rating, suggesting that it may be broadcast at any time, except during P (Preschool) programs. Unilever has taken great care to ensure that the TVC has been placed in C rated programming. The TV media buying is targeted at the young adult male audience and as such the spot placements are amongst programming that is targeted at its intended audience such as "the Simpsons", "CSI: Miami", "Formula 1 Grand Prix" and the "NRL Finals". The humour, language and content of the TVC is consistent with the context of this programming.

3. Section 2.3: Advertisements shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone.

The TVC promotes a competition to win a holiday at the Lynx Lodge. It opens on images of young women who are at a holiday camp trying to do things that they would usually do with a partner. They look slightly dejected as they are alone and therefore not able to do the activities properly. The TVC shows single women trying to rub sun screen into their own back, playing table tennis alone, serving breakfast in an empty room, skiing without a driver, playing volleyball without an opponent, canoeing alone, playing spin the bottle and trying to cut timber with a two handed log saw. Finally the following text appears:

"You're needed at the Lynx Lodge"

"Buy any Lynx product for your chance to visit"

"For full terms and conditions go to www.lynxlodge.com.au. Promotion commences [...]."

"Lynx Lodge – Get laid back"

"ENTER AT LYNXLODGE.COM.AU"

Under the competition terms and conditions, which are available on the website www.lynxlodge.com.au, the winner of the competition will win a travel prize for the winner and seven friends to the 'Lynx Lodge'. The prize includes return economy airfares for eight people from the winner's capital city (flights not included if the winner is a resident of NSW), return transfers from Sydney airport to the 'Lynx Lodge' in Lake Macquarie NSW, up to six (6) nights' accommodation in the 'Lynx Lodge', all meals for the duration of their stay at the 'Lynx Lodge', plus access to and provision of activities including volleyball, kayaks, a private jetty with a fishing boat and one day of golf on a green with club hire. Other entertainment facilities available at the Lynx Lodge include Foxtel and a pool table. A team of young women will also be on-site at the Lynx Lodge for up to three days. The women will not stay overnight at the Lynx Lodge and will be on-site solely for the purpose of running games and activities.

The images and language used in the TVC contain a level of hyperbole and are directly related to the promoted competition and Lynx products. The Lynx products are aiming at making the wearer feel more physically confident and attractive.

The complainant's main reason for concern in relation to the TVC is that it "is pretty blatant that sex is the goal and that Women are objects". Unilever submits that the TVC does not contain any references to sex. At no point does the TVC indicate that sex or any sexual activities form part of the activities at the Lynx Lodge. The imagery shown and language used in the TVC is not explicit or obscene and cannot be considered as being offensive or unusual. Unilever submits that the complaint against it is misconstrued. The imagery used in the TVC is appropriately low-level with regard to the context and the classification of the TVC and is appropriately sensitive to the target demographic. Some of the young women in the TVC are wearing bikinis but the TVC does not display any open or implied nudity. The women are doing holiday activities which are meant to be done with a partner. The aim of the TVC is to promote the competition and the Lynx products to the relevant target audience of young males aged 16 to 24 years. The target audience understands the humour and language used in the slogan "Get laid back" and would be exposed to similar language and images to the ones portrayed in the TVC during their regular television viewing. Unilever therefore submits that there is no basis for the complainant's stated reason for concern.

4. Approvals

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.

5. Conclusion

We submit that the content of the TVC and the playful approach generally employed in relation to Lynx products, creates a context within which the low-level language that appears within the TVC is justified, appropriate and inoffensive, and that the TVC therefore complies with the Code.

THE DETERMINATION

The Advertising Standard Board ('the Board') considered whether the advertisement complied with the AANA Code of Ethics ('the Code').

The Board noted the complainant's concern that this advertisement is advertising sex and portrays women as objects.

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

The Board first 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 ...sex.'

The Board noted that there is no relationship between a woman in a bikini or revealing clothing and the product being advertised. The Board noted the focus in the advertisement on the women's bodies, and on their portrayed inability to do things without a man. The Board considered that the ad does objectify women and that there is a proportion of the community who would find the objectification of the women in this advertisement unacceptable.

However in the Board's view, although the advertisement objectifies the women, it does not amount to discrimination against or vilification of women.

The Board then considered whether the advertisement complied with section 2.3 of the Code: '...shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone'.

The Board noted the advertiser's response that the women in the advertisement are wearing appropriate clothing for the setting and that the advertisement features only women because it is making the point that men are required.

The Board noted that the advertisement has been granted a C rating by CAD which means it may be broadcast at any time except during preschool programmes. The Board noted the advertiser's response that the media buying for this advertisement has been targeted at the young male audience.

The Board considered that the advertisement is not sexually suggestive and does not contain nudity.

The Board considered that the women are shown taking part in normal holiday activities and that there are no sexual references made or inferred.

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.

The Board then considered whether the advertisement was in breach of section 2.5 of the Code which states: "Advertising or Marketing Communications shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided."

The Board noted the advertisement featured the words, "Get laid back." The Board considered that these words carried a slight sexual innuendo but in this advertisement they clearly evoke a message of relaxation not sex. The Board considered that these words are not strong or obscene, and that they are appropriate for the circumstances in which they are used.

The Board determined that the advertisement did not breach section 2.5 of the Code.

The Board noted that the advertisement is linked to a competition to win a visit to the Lynx Lodge. The Board noted that the competition itself is not something which falls under section 2 of the Code and therefore cannot be considered by the Board when making their determination.

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

