



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0382/10</b>
<b>2</b>	<b>Advertiser</b>	<b>Pharmacare Laboratories</b>
<b>3</b>	<b>Product</b>	<b>Toiletries</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>08/09/2010</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

Two young women wearing bikinis are sat on a sandy beach and are approached by two young men, one wearing board shorts, the other wearing brief swimming trunks. The girls openly laugh at the man in the trunks and the camera swings round to show us another man sat in a deckchair. He starts to play his guitar and sing about Boardies over Budgies whilst another man appears from behind a sandcastle, spraying two cans of Brut.

Final shot is a close-up of a can of Brut in the sand, with the text "Brut Code #32 Boardies over Budgies. In the background we can see a women walking away from the can of Brut towards the sea, and she is wearing a bikini.

### THE COMPLAINT

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

*All people in the advertisement may as well have had no clothes on. The females laughing at males in wee little togs is degrading. And the female who walks/waddles off along beach just makes me feel that we females have not made much progress in equality because this advertisement just portrays the female as an object of sexuality. And I am SO tired of this portrayal. I believe there is NO place for advertisements of this very poor quality in our lounge rooms.*

*Poor taste, poor quality, poor product portrayal, pathetic human involvement - GET IT OFF PLEASE!*

## THE ADVERTISER'S RESPONSE

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

*We have considered the complaints and the issues raised in your letter in light of the AANA Code of Ethics (specifically Articles 2.1 and 2.3) and respond as follows:*

*1) Advertisement content*

*The commercial features two attractive young ladies in bikinis sitting on a towel at the beach as two young men approach them, one wearing board shorts and the other wearing smaller swim shorts (commonly known as "budgies" by the Australian public) the girls giggle at the attire of the guy in the smaller swim shorts, and the guy wearing the Board shorts seems a little let down by the attire of his mate. A whimsical musical number revolving around the Brut product occurs during this scene, which is clear hyperbole.*

*2) AANA Article 2.1 – 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 young ladies' bikinis and the young men's board shorts and shorter swim shorts are entirely appropriate clothing for any Australian beach and the scene depicted is consistent with both societal norms and popular family television shows such as Bluewater High or Home & Away. The scene is light hearted and in no way threatening or discriminatory. Consequently the advert does not infringe article 2.1 of the AANA code of ethics.*

*3) AANA Article 2.3 – 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 commercial received a PG rating from CAD and the TV programmes where the Brut advert appeared, are in accordance with the parameters of the Brut advert's assigned CAD rating*

*The advert is aired during sport and men's interest programmes, and is entirely appropriate for the vast majority of the programme's audience.*

*The girl walking along the beach in her bikini at the end of the commercial, is merely walking along the beach, once again this scene will play itself out on any Australian beach, on any given day where people are enjoying the beach. In addition the product is the focus of this scene and the image of the beach and the girl walking as part of the background.*

*The clothing worn by the people in the advert is entirely appropriate for any Australian beach. We do not agree with the complaint that "All people in the advert may as well have had no clothes on"*

*Again we would argue that the scene depicted in the Brut commercial is consistent with many Australian television shows broadcast at a similar time slot. Consequently, the commercial does not infringe Article 2.3 of the AANA Code of Ethics.*

*Summary*

*In particular we noted the complainant was concerned that all people in the advert may as well have had no clothes on, the complainant also mentioned that the females laughing at the male in "wee little togs" is degrading and the complainant refers specifically to the end scene of the advert where the girl is walking along the beach as portraying the female as an*

*object of sexuality. To address this specifically, we would ask the ASB to consider the following:*

- (i) The entire scene needs to be viewed in the context of an Australian public beach and a typical Australian theme of young men and women socialising as friends would do, wearing attire that is an entirely appropriate and common to any beach. To deny that this occurs is a denial of the Australian way of life, and in fact the commercial is reinforcing a positive, rather than negative, aspect of our society. The scene is light hearted and quirky, evidenced by the ensuing lyrics.*
- (ii) We submit that the young woman walking along the beach in the bikini at the end has no objectification or sexual connotation, and is an entirely appropriate ending to an advert, depicting a beach scene.*
- (iii) Given the target market of the product being advertised, being a men's deodorant spray designed for men who wish to pay more attention to their personal appearance and attractiveness to women, it is clearly justifiable to portray attractive young women, and men in the advertisement.*
- (iv) Our advert portrays and therefore encourages a, healthy, playful and harmless interaction between young men and young women. The light hearted character of the advert is evidenced by the quirky song and lyrics during the advert.*

## **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 degrading to men, portrays women as objects of sexuality and features near nudity.

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 a man in swimming trunks and the product being advertised. The Board noted the focus in the advertisement on the male and female bodies. The Board considered that there is a proportion of the community who would find the depictions of the men and women in this advertisement unacceptable.

The Board noted that the men in the advertisement present themselves to the women, and that although the women are shown laughing at the man in the small swimming trunks, they do so after he has presented himself to them. The Board considered that the women are laughing at his choice of swimwear rather than his body.

Some members of the Board felt that this advertisement was mean spirited in the way it mocked the man for his choice of swimwear. The Board considered this was appropriate for the theme of this advertisement. The Board also considered that the image of the woman

walking away along the beach was an image appropriate to the setting and does not objectify women.

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 sex. The Board determined that the advertisement did not breach section 2.1 of the Code.

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 considered that the advertisement is not sexually suggestive and does not contain nudity. The men and women in the advertisement are all wearing appropriate attire for the beach setting. The Board noted that there was a close up of the crotch area of one of the men but considered that, although tasteless, was relevant to the theme of the advertisement (the man’s poor choice of swimmers) and the accompanying song.

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 also considered whether the advertisement complied with section 2.5 of the Code and noted that section 2.5 requires that ‘advertising or marketing communications shall only use language which is appropriate in the circumstances and strong or obscene language should be avoided.’

The Board considered that the song ‘boardies over budgies’ is not sexually suggestive and is not strong or obscene language. The Board considered that the reference to “it being smaller than you think because cold water makes it shrink” is not inappropriate in the context of the advertisement. The Board considered that the song and language is humorous in tone and does not breach section 2.5 of the Code.

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