



**ADVERTISING  
STANDARDS  
BOARD**

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## Case Report

|          |                                      |                         |
|----------|--------------------------------------|-------------------------|
| <b>1</b> | <b>Case Number</b>                   | <b>0383/14</b>          |
| <b>2</b> | <b>Advertiser</b>                    | <b>Hair Free Centre</b> |
| <b>3</b> | <b>Product</b>                       | <b>Beauty Salon</b>     |
| <b>4</b> | <b>Type of Advertisement / media</b> | <b>Radio</b>            |
| <b>5</b> | <b>Date of Determination</b>         | <b>24/09/2014</b>       |
| <b>6</b> | <b>DETERMINATION</b>                 | <b>Dismissed</b>        |

### ISSUES RAISED

- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.5 - Language Inappropriate language

### DESCRIPTION OF THE ADVERTISEMENT

A woman's voice sings a jingle about the services of the hairfree centre. The woman refers to having a "smooth cha cha." The male backing vocal group support the services and sing "we love a smooth cha cha." The voiceover then describes the offers that are available at the centre and refers to booking online at [hairfreeforever.com.au](http://hairfreeforever.com.au)

### THE COMPLAINT

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

*I was listening to nova with my 3 children and another child when the advertisement came on, I thought it was inappropriate and the 8 year old child was actually offended by the term hair free cha cha and figured out what she was saying. I also think its sexist when she sings about having a hair free cha cha and then men sing "we like a smooth cha cha"*

### THE ADVERTISER'S RESPONSE

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

*In relation to Section 2.1 of the code, the advertisement neither discriminates against nor vilifies a section of the community on account of race, ethnicity, nationality, gender, age, sexual preference etc. There is nothing in the content which alludes to any of these characteristics as relevant to the product/service being promoted. It is respectfully submitted that the advertisement does not breach the provisions of this section.*

*I note that Section 2.2 of the code requires that advertising or marketing communications shall not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.*

*The use of the term "cha cha" in the advertisement has been deliberate so as not to be offensive or to refer to a specific body part of either males or females. A cha cha is, in fact, a dance and not specifically associated with any area of the human anatomy. It is the listener who places a particular connotation on the term. The complainant does not say what the 8 year old presumed "cha cha" to suggest, merely that the child "figured out" what was implied and found it offensive. The advertisement does not seek to exploit or degrade either men or women nor is it overtly sexual in any way.*

*The jingle does not clearly or purposefully debase or abuse a person or group of persons for the enjoyment of others. It does not set out to titillate. Both the female and male voices present the jingle in a light-hearted tone. There is no suggestion that women should have hair removal treatments for the benefit of men or to increase their sexual appeal – whether on their underarms, legs, lips, or other areas of the body.*

*Hair removal is not undertaken by men or women solely for the benefit of the opposite sex and while the complainant appears to hold that view, such a view has no basis in fact. It is therefore submitted that Section 2.2 of the code has not been breached.*

*Sections 2.3, 2.4, 2.5 and 2.6 are not relevant to the advertisement.*

## **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 contains references to a woman's genitals and is not appropriate for airing on a radio station where children can hear it. The Board viewed the advertisement and noted the advertiser's response.

The Board 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 radio advertisement for hair removal features references to a "cha-cha".

The Board noted that the advertised product is hair removal procedures for women. The Board noted that "cha-cha" is not defined in the advertisement as referring to a specific part of a woman's body and considered that whilst it could be interpreted as referring to a woman's vagina it could also be interpreted as referring to the dance and hence a woman's legs.

The Board noted that the term “cha-cha” is not of itself a sexual word and considered that even if you interpreted it as referring to a woman’s vagina the advertisement does not contain any sexual references or sexualised content. The Board noted that the advertisement does not suggest that women should remove hair from any part of their body but rather that if they want to then this product is available.

The Board considered that in the context of a hair removal product the use of the term “cha-cha” in relation to an unspecified body part is not overtly sexual or inappropriate. The Board considered that the advertisement did treat the issue sex, sexuality and nudity with sensitivity to the relevant audience which would include children.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

The Board then considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code 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 that the word “cha-cha” is not defined in the Macquarie Dictionary and that the most common use of the term is in relation to a style of dance. The Board noted that the word can be used as a colloquial reference to a woman’s vagina but considered that it is a very mild term which would be unlikely to cause offense to most members of the community. The Board considered that the word “cha-cha” is not a word which is strong or obscene and that its use in the advertisement is not inappropriate.

The Board determined that the advertisement did 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.