



Case Report

1	Case Number	0384/14
2	Advertiser	Ego Pharmaceuticals Pty Ltd
3	Product	Toiletries
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	24/09/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.2 - Objectification Exploitative and degrading - women
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

The advertisement shows words written on a woman's skin in QV cream. The camera rotates around the woman's body, following her hand as she rubs the cream in. It ends with an image of the model holding the QV products in front of her body.

THE COMPLAINT

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

This ad objectifies women as sex objects the camera moves very slow and as mentioned above exposes the side of her breast and then at the end her breasts are covered by qv bottles. This ad appears to be 'errotic' and there is absolutely no need to expose the half naked woman.

This ad is sexiast unnecessary and depicts women as nothing more than sex objects. We all know how to use body cream this ad she be removed from TV.

THE ADVERTISER'S RESPONSE

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

Complaint

The complainant alleges that the advertisement objectifies women as “sex objects”, that the advertisement appears to be ‘erotic’ and that the advertisement depicts “unnecessary” nudity.

Response

We do not consider that the advertisement is in breach of the AANA Code of Ethics (Code). We note that the issues the complainant has raised appear likely to relate to clauses 2.1, 2.2 and 2.4 of the Code. These relate to discrimination, objectification and sex, sexuality or nudity respectively. As for the other clauses of the Code - 2.3, 2.5 or 2.6 - the advertisement does not breach the Code as it does not contain violence, strong language or depict material that is contrary to prevailing community standards on health and safety.

Clause 2.1 of the Code regarding discrimination or vilification

The advertisement does not portray a woman and hence women in a negative way. There is no suggestion that the application of skin lotion is a gender specific or menial task. The depiction of the woman in the advertisement is both respectful and positive. She is shown with minimal make up and natural skin tones, in keeping with the theme of the advertisement. While the woman in the advertisement could be considered attractive, this of itself does not amount to discrimination or vilification of women in accordance with guidance offered under the AANA Code of Ethics Practice Note.

Clause 2.2 of the Code regarding objectification

The advertisement is designed to promote a positive, natural body image and good skin. While nudity is suggested it is a skin specific product for the body. The advertisement intends to showcase the product and its benefits – repairs, cleanses, moisturises and protects. The model is not presented in a sexualised way. Instead, the advertisement effectively emphasises the nature of the skincare products as the model demonstrates the ease of rubbing the cream into your skin. The advertisement does not employ sexual appeal and is not exploitative or degrading of women as it does not debase or abuse women or question or lower the character or quality of women. To the contrary, it depicts a healthy woman in a respectful manner and celebrates the natural beauty of skin.

Clause 2.4 of the Code regarding sex, sexuality or nudity

In relation to elements of nudity in the advertisement, guidance is given under the AANA Code of Ethics Practice Note. Consistent with the guidance note the advertisement does not contain any full frontal nudity or images of genitalia. While the model featured in the advertisement is naked, the nudity is discreet and is appropriate in the context of the advertisement’s QV skincare products. This is further emphasised with the central message of the advertisement, being “where beautiful skin begins”. The model’s pose and movements are practical and natural, and not sexually suggestive. Further the creative is instructive in how the product is used while at the same time highlighting the benefits of the QV product range. The suggested nudity in the advertisement is appropriate to the relevant audience and necessary to demonstrate the application of the skincare product to the body.

We note Case Report 0336/13 in which the Board considered an advertisement for Ella Bache featuring unclothed models. In that case the Board considered the product advertised was a skin care lotion and so “it is reasonable for an advertiser to show skin when advertising such a product providing that the image does not breach the provisions of the Code”. The Board also found that “the inclusion of nudity does not of itself amount to sexualisation” and accordingly held that the advertisement did not breach section 2.4 of the Code.

We also note Case Report 0175/14, in which the Board considered an advertisement featuring a naked woman covered in red ribbon and bows sitting cross-legged with a bottle of perfume between her legs. The Board noted that the “positioning of the ribbon covered her

nipples and that the bottle of perfume covered her pubic region” and found that the image was tasteful and not sexualised.

The above cases enable similar observations to be made in this case. It could also be added that the level of nudity in the QV advertisement is more discreet than in both of the above referred decisions.

We note that the advertisement originally received a PG rating from CAD and was subsequently revised and received a W rating. It has only aired in appropriate timeslots and as such we consider that sufficient care and sensitivity to the audience has been taken. We also note that the advertisement is not intended nor does it actually appeal to young people (being children under 14 years) and it does not contain any sexualised poses or innuendoes. The nudity is not disproportionate as there is complete coverage of all potentially sensitive areas of the female body and it is also relevant to the message of the advertisement and the brand and products that the advertisement seeks to promote.

Conclusion

Based on the above, we respectfully submit that the advertisement fully complies with the AANA Code of Ethics. Further it is submitted the advertisement falls within acceptable community standards regarding nudity. Importantly it is noteworthy the response to this advertisement has been positive and generated support for the campaign.

We appreciate the opportunity to respond to the complaint and hope that the Board views the advertisement consistently in the light of the points raised above.

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 depicts a naked woman applying moisturiser to her body in a manner which is objectifying and inappropriate. The Board viewed the advertisement and noted the advertiser’s response.

The Board 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 race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.’

The Board noted that the advertisement features a woman applying QV moisturiser to her arms and upper body and that the final scene shows her cradling the product range against her naked chest.

The Board noted that it was reasonable for an advertiser to depict its products being used in its advertising and considered that the use of a woman to demonstrate a product is not of itself discriminatory.

The Board considered that the advertisement does not discriminate against or vilify a person or section of the community on account of gender.

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

The Board then considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: “Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or

group of people.”

The Board noted that in order to be in breach of this section of the Code the image would need to use sexual appeal in a manner that is both exploitative and degrading.

The Board noted the AANA Practice Note which defines both exploitative and degrading as follows: ‘exploitative means clearly appearing to purposefully debase or abuse a person or group of person, for the enjoyment of others, and lacking moral artistic or other values... ‘degrading’ means lowering in character or quality a person or group of persons.

The Board noted that the advertisement focuses on the woman’s upper body and that although we see the woman’s mouth when she is applying the moisturiser to her neck we do not see her whole body. The Board noted that it had previously upheld images of women which focused on specific parts of their bodies (0470/12, 0370/13, 0266/14) but considered that in this instance the advertisement is promoting a body cream product so the focus on the woman’s body is relevant and is not intended to reduce the woman to that part of her body. The Board considered that the depiction of the woman in the advertisement is not exploitative and degrading and determined that the advertisement did not breach Section 2.2 of the Code. 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 it had previously dismissed a similar advertisement featuring a woman applying body lotion in a shower (0273/13) where:

“The Board noted the complainants’ concerns that the woman is presented in a sexualised manner and considered that it in the context of a shower product which is targeted at women it is not inappropriate to show a woman using the product provided there is no unnecessary nudity or sexualised posing. The Board noted that in this instance the woman’s private areas are covered by her arms or by special effects and considered that the depiction of the woman lathering herself with the gel in conjunction with the seductive voice over is designed to give the overall impression of indulgence rather than sexuality.”

Consistent with its determination in case 0273/13 the Board considered in this instance that the advertisement did not depict any unnecessary nudity and the woman is not presented in a sexualised manner. The Board noted that the final scene shows the woman holding the product range and considered that whilst she is naked her breasts are completely covered by the products she is holding.

The Board noted that the advertisement had been rated ‘W’ by CAD and considered that the level of nudity in the advertisement is not inappropriate for the relevant broad audience which would include children.

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 2.4 of the Code.

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

