



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0390/11</b>
<b>2</b>	<b>Advertiser</b>	<b>Reckitt Benckiser (Aust) Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>House goods/services</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>12/10/2011</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

The television TV advertisement is a humorous advertisement for the cleaning product, Easy Off BAM Grime and Soap Scum. The TVC focuses on how a user of the product may be “wowed” by the results and actually enjoy cleaning with the Product. The TVC depicts a man cleaning various surfaces with the product, inside and outside his home, including the shower and a statue of a dolphin.

### THE COMPLAINT

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

*The advertisement is out of character for the channel that is aimed at preschool children at 5pm right before dinner when young children are watching. The content contained included a man wiping his shower screen clean to see a naked female (back only) drop a towel to her waist. There was also the final scene where while wearing boxers he covers his genitalia while the by-line says something about staying clean. Although I have no problem with the content on another channel during adult timing I am concerned because:*

*1. The content was inappropriate for the channel's target audience being under 5 and in peak children's viewing time.*

## THE ADVERTISER'S RESPONSE

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

*In light of the issues raised in the complaint the relevant section of the AANA Code of Ethics ("Code of Ethics") is Section 2.3, which states:*

*"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."*

*As a preliminary procedural point, we note that the AANA Code for Advertising & Marketing Communications to Children is not applicable, in light of the fact that the TVC was not directed primarily to children and is not for goods, services and/or facilities which are targeted toward and have principal appeal to children.*

*Firstly, the complainant states that she is of the opinion that "the advertisement is out of character for the channel that is aimed at preschool children at 5pm, right before dinner when young children are watching" and that "the content was inappropriate for the channel's target audience being under 5 and in peak children's viewing time".*

*Reckitt Benckiser is committed to responsible advertising and have carefully reviewed the complaint concerning the TVC. We strongly deny that the TVC is in breach of Section 2.3 of the Code of Ethics, and additionally submit that the time slots and programs in which the TVC was aired were carefully and responsibly selected for this TVC, in accordance with the applicable industry codes and legislation.*

*Whilst the complainant has not indicated on which channel she viewed the TVC, our booking records clearly show that:*

*(a) the TVC was only shown in or adjacent to programs that were rated either G or PG at or around 5pm, in accordance with the classification guidelines for television commercials with "W" CAD ratings (such as the Commercial Television Industry Code of Practice and the Children's Television Standards 2009);*

*(b) none of the channels on which the TVC was aired are dedicated children's channels;*

*(c) the stated demographic of all of the programs in which the TVC was aired were adult grocery buyers in the age range 18-54;*

*(d) none of these programs were classified C (Children's) or P (Preschool) nor were the programs aired in periods designated as C or P periods; and*

*(e) none of the programs were programs that would appeal to preschool children or likely to attract a preschool audience (indeed, the programs aired at or around 5pm during which the TVC was aired consisted of two US sitcoms (According to Jim (G) and The Drew Carey Show (PG)) and a news program (Nine Afternoon News (G)). Accordingly, none of these programs were directed at a target audience of children under 5, as suggested by the complainant.*

*In light of the above, we submit that the placement of the TVC in or adjacent to the programs referred to above is appropriate and the TVC treats sex, sexuality and nudity with sensitivity to the relevant audience and the relevant programme time zone.*

*Secondly, the complainant states that "the content contained a man wiping his shower screen clean to see a naked female (back only) drop a towel to her waist". In the scene to which the complainant refers, the woman does not in fact drop a towel to her waist. On the contrary,*

*the woman uses a towel to cover up. The woman is covering herself out of modesty and surprise to find her husband inside the shower cleaning and being able to see through the opaque soap scum, which has presumably been there for some time. There is no depicting of nudity in the TVC, other than a brief shot of the woman's bare back (no more than 1 second's duration). Furthermore, there are no sexual overtones in this scene. It is important to note that this scene depicts a comical and common household situation of embarrassment which happens similarly in many homes every day. The woman shows expressions of surprise, modesty and amusement, and the man merely continues cleaning with his usual enthusiasm. At no time does this scene contain raunchy or sexual overtones nor does it contain any overt or implied references to sex.*

*Thirdly, the complainant states that "while wearing boxers, he covers his genitalia while the by-line says something about staying clean". As noted by the complainant, the man is wearing boxer shorts in this scene however is in not covering his genitalia. Rather, he is attempting to cover his boxer shorts. At all times, the man is wearing a t-shirt and boxer shorts which is no more revealing than every day clothes. The man simply uses one of his hands to cover the front of his boxer shorts as an expression of modesty when, upon seeing his neighbour, he is reminded that he is outdoors and is still in his boxer shorts and is "embarrassed". The voice over does not make a comment about staying clean, it says "you can take pride in your clean", which is consistent with the fact that, at the time, he is standing proudly next to the freshly cleaned dolphin fountain.*

*We submit that, in light of the fact that the TVC is devoid of any sexual innuendo in these two scenes (and the entire TVC as a whole), the prevailing community standards and the TVC's compliance with relevant industry codes of practice and legislation, that sex, sexuality and nudity is treated in the TVC with sensitivity to the relevant audience and the relevant programme time zone.*

*In light of the above, we strongly urge the Board to dismiss the complaint and look forward to receiving the Board's determination in due course.*

## **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 is inappropriate for children to watch.

The Board reviewed the advertisements and noted the advertiser's response.

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 of the Code states: "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 Board noted that this advertisement depicts a man entering a bathroom and then cleaning various surfaces both inside and outside the home. The Board noted the advertisement was

aired during and/or around programs that were G and PG rated by CAD, but not during specific children's programming (ie: C rated).

The Board noted that the man is dressed through the entirety of the advertisement. The Board noted that there is some nudity shown as the woman picks up her towel, however she is shown only from the back and is not sexualised. The Board considered that the depiction of the man in the bathroom was relevant to the product being advertised and that any sexual double entendre was very mild and not inappropriate for the likely audience. The Board considered that most members of the community would consider the level of nudity within the advertisement to be very mild and not offensive.

The Board noted the advertisement does not contain any inappropriate nudity or sexual innuendo and 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.

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