



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0400-19</b>
<b>2. Advertiser :</b>	<b>Bayer Australia</b>
<b>3. Product :</b>	<b>Toiletries</b>
<b>4. Type of Advertisement/Media :</b>	<b>TV - On Demand</b>
<b>5. Date of Determination</b>	<b>11-Dec-2019</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.2 Exploitative or Degrading  
AANA Code of Ethics\2.4 Sex/sexuality/nudity

### DESCRIPTION OF ADVERTISEMENT

This TV On Demand advertisement features a father changing his baby's nappy on a change table and applying nappy rash cream to baby's bottom. A voice over explains features of Bepanthen Nappy Rash Ointment and how the product works to protect baby's skin. The mother walks into the room and is very happy to see the father taking care of the baby. The final shot is of the product Bepanthen Nappy Rash Ointment.

### THE COMPLAINT

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

*It rings alarm bells and just freaky ad and scary.  
The fact that The camera shoots and it's very near the vagina of the child I find concerning.*

### THE ADVERTISER'S RESPONSE



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

*We are writing in response to your letter dated 19 November 2019 regarding a consumer complaint relating to an online video advertisement for Bepanthen Nappy Rash Ointment.*

#### *Background*

*We note that the complaint was initiated and submitted online to Ad Standards.*

*Your letter states that in addition to considering the specific issues raised by the complainant, the Ad Standards Community Panel will review the advertisement against section 2 of the AANA Code of Ethics (Code). In this regard, you have asked us to consider whether any issues within the advertisement fall within section 2 of the Code.*

*In our view, the section of the Code that is potentially relevant to the complaint is section 2.4, which provides that Advertising or Marketing Communication shall treat sex, sexuality and nudity with sensitivity to the relevant audience.*

*For the purposes of our response, we note that the Code for Advertising & Marketing Communications to Children does not apply because the advertisement, having regard to the theme, visuals and language use, is not directed primarily to children.*

#### *Bayer's response to the complaint*

*The following issues were raised by the complainant:*

*Ad description: Awkward accent and scary ad no cute and the camera angle is just too exposing for the baby girl. Could possibly incite paedophile  
Reason for concern: It rings alarm bells and just freaky ad and scary. The fact that the camera shoots and it's very near the vagina of the child I find concerning.*

*Bayer is extremely mindful of its responsibility to develop communications that do not raise concern amongst the community. Bayer has run this advertisement in other markets overseas, including France and Brazil, where the advertisement was positively received by consumers and the media. Additionally, we have received feedback locally from a mother expressing appreciation to Bayer for the inclusion of a father parenting and changing a nappy in promotional advertising.*

*Bayer has stringent internal procedures to ensure that advertising material is compliant with relevant legislative requirements. The advertisement features a father playfully and happily interacting with his baby whilst changing the baby's nappy on a change table and applying nappy rash cream to baby's bottom. A voice over explains features of Bepanthen Nappy Rash Ointment and how the product works to protect*



*baby's skin. The mother walks into the room and is very happy to see the father taking care of the baby. The final shot is of the product Bepanthen ointment.*

*Whilst we are disappointed that the complainant believes the advertisement has an "awkward accent" and is "scary [and not] cute", we do not believe this is grounds for complaint. The advertisement strives to breakdown gender stereotypes in relation to infant care and promotes gender equality. This is in line with the code section 2.1 stating "advertising or marketing communication 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, gender, age, sexual preference, religion, disability, mental illness or political belief."*

*Bayer believes the commercial is compliant with code section 2.4, and the advertisement is sensitive and respectful to relevant audiences. We believe that it is acceptable for an advertiser of baby nappy rash cream to show the application of the product in an appropriate way. The footage was filmed to show only a fleeting shot of the product application to the baby's bottom, with full care being taken to protect the baby's genitals being in view. It is reasonable that a certain level of "nudity" is acceptable to the community in this instance where a caring father applies cream to the baby's bottom for purpose of assisting with nappy rash. The advertisement does not depict inappropriate nudity and hence Bayer believes the advertisement does not breach section 2.4 of the Code.*

## **THE DETERMINATION**

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concerns that the advertisement features sexualised images of minors.

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

The Panel noted that Section 2.2 of the Code states:

"2.2 Advertising or Marketing Communication shall not employ sexual appeal:  
(a) where images of Minors, or people who appear to be Minors, are used; or  
(b) in a manner which is exploitative or degrading of any individual or group of people."

The Panel first considered whether the advertisement contained sexual appeal.

The Panel specifically noted the complainant's concern that some scenes in the advertisement were close to the baby's genitals.



The Panel considered that it is acceptable for an advertiser of baby nappy rash cream to show the application of the cream or the cream being used. The Panel noted that there is a fleeting glimpse of the baby's genital region and that there is a direct relevance to the product. The Panel agreed that in general, the use of a baby's naked behind can be considered appropriate in certain situations when the product is relevant.

The Panel considered that there is a certain level of nudity that is accepted by the community in relation to young babies and that in this instance where the advertisement shows a caring father applying cream to the babies naked bottom for the purposes of assisting with nappy rash and is extremely fleeting.

In the Panel's view the advertisement did not contain sexual appeal and did not breach Section 2.2 (a) of the Code.

The Panel 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".

Similar to the comments above, the Panel considered that the depiction of the child was not sexualised.

The Panel considered that there was no sexual imagery or themes in the advertisement and the baby was not depicted as a sexual being.

The Panel considered that the advertisement did not contain sex, sexuality or nudity and did not breach Section 2.4 of the Code.

Finding that the advertisement did not breach the Code of Ethics, the Panel dismissed the complaint.