



# Case Report

|   |                               |                   |
|---|-------------------------------|-------------------|
| 1 | Case Number                   | 0425/17           |
| 2 | Advertiser                    | Chemist Warehouse |
| 3 | Product                       | Retail            |
| 4 | Type of Advertisement / media | TV - Free to air  |
| 5 | Date of Determination         | 27/09/2017        |
| 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
- 2.6 - Health and Safety Within prevailing Community Standards

## DESCRIPTION OF THE ADVERTISEMENT

The Protein World TVC features four young, fit women celebrating life and wellness exercising and playing on the beach.

## THE COMPLAINT

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

*The commercial is overly sexualised, it is filled with semi-naked women wearing only g-strings and their bare bottoms are shown. This is supposed to be a family segment time. It is not only sexist but also degrading towards women, insinuating that women are just sex objects. It's supposed to be about health products, but it's just pornographic-looking women working out. I was shocked and disappointed to see this type of commercial being shown on TV, and really disappointed in Chemist Warehouse.*

*I don't want myself, or my children, or my husband, or any visitors in my house to be exposed to such pornographic images. It is very offensive and unnecessary. If someone wants*

*to see something like that, they can easily go online and view it by choice. We should not have been exposed to this level of sexuality while watching the news in the morning or at any time on free to air TV.*

*The product is a dietary supplement not a "drink this and you will be what the advertisers want to portray" as in this case body image focus on slim, youthful and able to wear sexy (yes the swimwear and images promoted were focused on being sexy) swimwear. This product should be promoted with caution and not portrayed as a quick fix to weigh control or stay slim weight control.*

*I object to the advertisement which quickly shows a females bottom while wearing a g-string, i think its extremely Inappropriate for the time slot and the fact that it's advertising chemist warehouse, not underwear. Get it off, a lot of people I know are sick to death of this stiff being shown in tv and it really doesn't matter that its free to air, its too early for that, and a lot of us are never going to be desensitized.*

*The women featured in the advert were wearing swimwear while they exercised and they showed several clips of very scant clothing covering their bottoms. I was shocked that such minimal clothing was being shown in front of my children. One out for was similar to a G string*

*A number of reasons:*

- 1. The time this was playing was during prime time when my younger female relatives (who are highly impressionable) watch television*
- 2. The advertisement promotes an unhealthy view of a so-called healthy young woman*
- 3. There is nudity that would appear to be inappropriate for this air time*
- 4. The nature of the advertisement appears provocative*

*Too much nudity and sexualization of women.*

*Indecent exposure/Over exposure of actresses.*

## **THE ADVERTISER'S RESPONSE**

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

*The complainant appears to be suggesting the advertisement breaches section 2 of the Code specifically that the advertisement is in some way sexually explicit or contains sex and/or nudity.*

*In direct response to the complainants deemed breach of Section 2 of the code, Chemist Warehouse respond as follows;*

- There is nothing in the advertisement that is sexually explicit whilst the advertisement shows women in swimwear it is not sexually explicit in nature.*
- There is no nudity nor sex in the advertisement whilst the advertisement shows women in swimwear it does not contain nudity.*

- *Nothing in the advertisement is exploitative nor degrading.*
- *The advertisement is not discriminatory nor vilifying of any member of the community .*
- *None of the language could be deemed offensive.*
- *Nothing in the advertisement could be seen to be contrary to prevailing health and safety practices and standards.*

*In short Chemist Warehouse contend that any reasonable person could not infer that the advertisement is in any way discriminatory nor in any other way in breach of Section 2 of the Code.*

## **THE DETERMINATION**

The Advertising Standards Board (the “Board”) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the “Code”).

The Board noted the complainants’ concerns that the advertisement features sexualised images and provocative poses of women in bikinis and that the nature of the product being a slimming product should be treated with more care.

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 this television advertisement features four women in swimwear on the beach and surrounds exercising and playing games on the beach as well as dancing and drinking the advertised product. The words New Me, New You appear on screen with the final shot of the product and the Chemist Warehouse logo at the end.

The Board considered section 2.1 of the Code and noted that in this advertisement the women are presented as happy and healthy and participating in healthy pursuits and were not portrayed in a way which discriminates against or vilifies a person or section of the community on account of .... gender, .....and 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: (a) where images of Minors, or people who appear to be Minors, are used; or (b) in a manner which is exploitative and degrading of any individual or group of people.”

The Board noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:

“Exploitative - means clearly appearing to purposefully debase or abuse a person, or group of persons, for the enjoyment of others, and lacking moral, artistic or other values.

Degrading – lowering in character or quality a person or group of people.”

The Board noted that in order to breach this Section of the Code the images would need to be using sexual appeal in a manner that is considered both exploitative and degrading.

The Board noted that the women are exercising and training in their swimwear and that a significant amount of their bodies are shown. The Board noted the complainant’s concerns that the women are scantily clad and that one woman is seen wearing a g-string.

The Board noted that the overall impression of these women is that they are active, fit and healthy and that their clothing is typical of the type of swimwear seen at the beach and that it is not inappropriate to present the women in swimwear for the activity they are undertaking. Board considered that the women were not presented in a manner that was debasing or that was undermining their character.

The Board considered that the portrayal of the women pursuing their fitness goals does not use sexual appeal in a way that is exploitative and degrading and does not breach section 2.2 of the Code.

The Board then 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 the complainants concerns that the women are scantily clad and that the advertisement is aired at a time that is inappropriate for viewing by children.

The Board noted that the product being advertised is a slimming product and that the women are wearing swimwear. The Board noted that there is one scene of a woman in a g-string. The Board considered that the outfits of the women were appropriate to the beach setting and that it is reasonable for an advertiser to highlight the women’s bodies in the promotion of a slimming product.

The Board noted that the women were not moving or posing in a provocative manner and that the bright colours and music added a playful feel to the advertisement rather than a sexual tone.

The Board noted it had considered an advertisement for Vitaco 0237/11 promoting a health bar. In that case the Board noted that

“although the focus of the image is on the woman’s body and particularly her chest, she is well covered by the bikini, is not in a sexualized pose and the image does not include any nudity. The Board considered that the image of the woman was not overtly sexualised and that most members of the community would consider the image a nice image of a woman at the beach. The Board noted that the size of the advertisement and the placement on a billboard meant that the relevant audience was very broad and could include children, however, the Board considered that the image was relatively mild and unlikely to be considered sexualised by most members of the community.”

Similarly in the current case, the Board considered that although the focus is on the women's bodies, the image of the women was not overtly sexualised and in the Board's view the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and did not breach section 2.4 of the Code.

The Board lastly considered Section 2.6 of the Code. Section 2.6 of the Code states: "Advertising or Marketing communications shall not depict material contrary to Prevailing Community Standards on health and safety".

The Board noted the complainants concern that the product should be promoted with caution and not portrayed as a quick fix to weight control.

The Board noted that the women are seen drinking the product and the shot at the end of the advertisement shows the bottles of the product. The Board noted that throughout the advertisement the women are also seen being active and exercising, boxing, playing volleyball and lifting weights. The Board considered that the overall impact of the advertisement was that the beverage was just a part of a health and fitness program and did not give the impression that it was a short cut approach to weight loss.

The Board determined that the advertisement did not depict material that was contrary to prevailing community Standards on health and safety and did not breach Section 2.6 of the Code.

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