



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0430/15</b>
<b>2</b>	<b>Advertiser</b>	<b>Kao (Australia) Marketing Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>Toiletries</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Billboard</b>
<b>5</b>	<b>Date of Determination</b>	<b>11/11/2015</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## 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

This billboard advertisement features a naked woman lying on her stomach with her head resting against her raised hands. Three bottles of Jergens body moisturiser are placed next to her body, obscuring the side view of her buttocks. The text reads, "The secret to deeply luminous skin".

## THE COMPLAINT

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

*This ad is very provocative in that the nearly full naked body is on show. This sexualisation of women I find very offensive but it is also disturbing to my young children and gives the wrong message to both my older daughters and sons. I am sure the product could be advertised just as well with the woman clothed!*

## THE ADVERTISER'S RESPONSE

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

*The billboard is advertising body skincare brand, Jergens. The ad is not intended to be sexual or be disrespectful, as the product and bed sheet is covering areas of the body to avoid nudity and ensure the ad is not provocative.*

*The model's body skin is shown in order to convey the key brand message and product benefits - i.e. The secret to deeply luminous skin. Without the visualisation of the model's body skin, the key product message would be lost.*

*There are no areas of the model's body showing in the ad which would be considered offensive or sexualising women, rather, her body is shown to convey the beauty of her skin and the benefits of using the product.*

## **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 provocative and sexualised image of a naked woman which is offensive and not appropriate for children to see.

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 this billboard advertisement features a naked woman lying on her stomach with three bottles of body moisturiser placed against the side of her bottom.

The Board noted the advertised product is a skin care lotion for women and considered it was not discriminatory to show a woman advertising a product designed to be used by women.

The Board noted that some members of the community would prefer that naked women not be used in advertising but considered that in this instance the advertisement does not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of their gender.

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

The Board 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 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 it had previously considered a similar complaint for a different skin care company in case 0535/14 where:

“...the Board considered that in the context of a skin product the depiction of a woman exposing a significant amount of her skin is not exploitative and the image itself does not portray a woman in a manner which is degrading.”

Consistent with this previous determination the Board considered that the current advertisement did not employ sexual appeal in a manner which is exploitative and degrading towards women.

The Board determined that the advertisement did 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 that whilst the woman in the advertisement appears to be naked the Board considered that her private areas are completely covered by the objects placed in front of her. The Board noted the complainants’ concerns that the image is provocative and sexualised and considered that the inclusion of nudity does not of itself amount to sexualisation. The Board considered that the level of nudity was not inappropriate. The Board noted the pose of the woman lying on her side with her groin area obscured by the bottles and considered that she is not depicted in a manner which is sexualised.

Consistent with previous determinations in cases 0336/13 and 0535/14 the Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which would include children.

The Board determined that the advertisement 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.