



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0432/15</b>
<b>2</b>	<b>Advertiser</b>	<b>BizCover</b>
<b>3</b>	<b>Product</b>	<b>Insurance</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</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
- 2.4 - Sex/sexuality/nudity S/S/N - general

## DESCRIPTION OF THE ADVERTISEMENT

The TV Ad portrays a small businessman, Warren, who is frustrated with the traditional way of buying insurance. There are other things in life that Warren would rather do than spend his valuable time running around to get his business insurance sorted through the traditional ways, and that includes getting a full body wax. While Warren is getting his body wax, a presenter talks to how BizCover has changed this and has made the process of obtaining business insurance simple and easy, and at a great price.

## THE COMPLAINT

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

- 1. A scene with male model on his knees behind a screen portrays he is having body hair removed from his anus or bottom.*
- 2. A scene behind a screen portrays body hair is being removed from the model's pubic region.*
- 3. Insinuation body hair is undesirable and unattractive.*

## THE ADVERTISER'S RESPONSE

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

*Our firm appreciates the role and concern of the Advertising Standards Board and recognises that a consumer complaint has been received.*

*However, the opinion of our firm is that the TVC in question does not contravene Section 2 of the AANA code of ethics. The commercial has been approved and rated accordingly by CAD as a “W” or general rating (see end for list of CAD approval codes). It is targeted to the business audience – those either starting a business or those who have an existing small business.*

*Indeed, the product is all about selling business insurance and making the buying of that insurance easier and faster than ever before. Traditionally buying insurance has been quite complicated and time consuming for a small business owner. The idea behind this TV commercial is to bring to life one of life’s commonplace sayings, “I’d rather...”, which is used when people would rather do something uncomfortable rather than doing something else. In this case “I’d rather have a full body wax than go through that process again”. Humour has been used to cut-through and resonate with our business target and to reinforce how easy this new online service makes buying their business insurance.*

*BizCover strenuously denies that the TVC contravenes the AANA Code of Ethics on the following grounds*

#### *2.1 - Discrimination or vilification*

*1. There is no discrimination or vilification based on gender. Both genders now frequently remove body hair as a matter of course as part of their grooming regimen.*

*2. If vilification has been perceived, allow us to point out a few recent facts about grooming, body waxing and hair removal.*

*- A study from the Journal of Sexual Medicine which was quoted in “Women’s Health Online” Jan 27, 2015, states that “the vast majority of both men and women keep things tidy down there: Ninety-five percent of the study participants had trimmed or removed at least some of their pubic hair in the past four weeks” and that “half of women and one in five men said they typically went hair-free.”*

*<https://au.lifestyle.yahoo.com/womens-health/sex-and-love/a/26111449/what-guys-really-think-about-pubic-hair/>*

*- According to this The Daily Telegraph article from June 4, 2015, “Ninety nine per cent of American women remove body hair and 85 per cent do so regularly, she notes. Sixty per cent of men regularly reduce or remove body hair.”*

*<http://www.dailytelegraph.com.au/rendezview/the-war-on-body-hair-pubes-fight-back/story-fnpug1jf-1227382531715>*

*- The same quote as the above and many more about hair removal was used by the ABC in*

*their Radio National Interview on March 10, 2015 and is available on-line to read as well*

<http://www.abc.net.au/radionational/programs/latenightlive/get-plucked:-the-history-of-hair-removal/6293450>

*- And in this article from The Sydney Morning Herald on March 25, 2015 entitled “Manscaping: The next big thing” a businesswoman who owns a chain of beauty salons in Melbourne states she has had “a 36 per cent overall increase in male customers in the past two years.”*

<http://www.smh.com.au/small-business/franchising/manscaping-the-next-big-thing-in-beauty-20140309-34gcu#ixzz3pcS4fmy4>

3. *There are many TV ads that are currently on air which sell products or services that are specifically for the removal of body hair in intimate regions of the body – targeting both Men and Women alike. We are not complaining about these ads. But merely pointing out that body hair removal is very much part of today’s popular culture.*

*- For instance, this Shavershop ad in which a man and a woman arrive home and are about to engage in sex. The woman receives a call and the man races to the bathroom in order to find the right “tool” to remove his pubic hair. He arrives back in the bedroom naked and the woman, now lying on the bed wearing only lingerie looks up and down at his body with delight.*

<https://www.youtube.com/watch?v=hLqXZm3GGgg>

*- And in this ad for Schick Hydro Silk entitled “Trim the Bushes” shows 3 women clad in bikinis standing in front of pot plants placed directly in front of their intimate region. They each trim their plant in direct reference to how they prefer to shape their pubic region.*

<https://www.youtube.com/watch?v=aKVfoKr0A94>

## 2.2 - Exploitative and degrading

- The ad does not reference nor is it remotely sexual in its nature. It does not imply – by any stretch of the imagination – sexual success or sexual innuendo. (If anything the ad does the opposite.)*

## 2.3 – Violence

- The ad does not present or portray any violence. Whilst we acknowledge that waxing can be painful, a professionally qualified beautician was used to wax in accordance with standard waxing procedures used within Australian beauty salons.*

## 2.4 - Sex, sexuality and nudity

1. *The ad does not reference nor demonstrate sex/sexuality in any form.*

2. *There is no nudity in the ad apart from showing a man’s chest. Indeed, hair was only ever removed from his chest, by a qualified beautician using proper waxing equipment.*

*While it was implied that hair was removed from other parts of his body, nothing was ever shown apart from two shots shown in silhouette for comic effect. Much like in such popular family movies such as the Austin Powers Series.*

## *2.5 – Language*

- The ad uses appropriate language throughout. No strong or obscene language is used. (Please refer to script included with submission).*

## *2.6 - Health and safety*

- The TVC was shot with health and safety considerations in mind, and as mentioned previously the ad was shot using a qualified beautician using proper waxing equipment.*

*Finally, to the claim that the TVC insinuates that body hair is undesirable and unattractive, at no point do we (actually or intend to) state this or imply this. As mentioned previously the point of this TVC is that “Warren” would rather go through this painful/uncomfortable process than go through the process of getting business insurance, not that Warren (or the presenter) finds body hair undesirable or unattractive.*

*Accordingly we do not believe that one could consider that the TVC could cause serious offence. While we understand that this has offended one person who chose to write to the ASB, we refer to a May 2012 determination by the ASB stated that;*

*“In areas of subjective and often strongly-held beliefs, it is impossible to say that no single advertisement should ever offend anyone. In practice, the Board would normally interpret rules of this sort to mean that an advertisement should not cause serious offence to the members of the group in question or the general community”.*

*We strongly believe that the TVC in question is significantly milder in tone than many of the TV programmes in which it airs. And, as you are aware, TV programmes reflect what is acceptable to the general community. In fact, even one of the most popular daytime TV shows both in Australia and the rest of the world “The Ellen DeGeneres Show” featured a male actor being waxed for comic effect. (<http://www.ellentv.com/videos/0-no2215vk/>) and locally Sunrise on Channel 7 featured Grant Denyer waxing his cameraman's chest a few years ago. <https://www.youtube.com/watch?v=RGrlouCK5Yc>*

*Accordingly, we put forward that the TVC in question would not cause serious offence to the general community and is not in breach of neither Section 2 of AANA Code of Ethics.*

*We would like to thank the board for their consideration in this matter. Please do not hesitate to contact us if we can be of further assistance.*

## **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 features a man having hair waxed from his bottom and suggests that body hair is undesirable and unattractive.

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 television advertisement features a man who would rather have a full body wax than buy insurance for his business and we then see him being waxed in the background whilst another man explains how easy it is to get insurance with BizCover.

The Board noted the complainant's concern that the advertisement suggests body hair is undesirable and unattractive. The Board noted that the advertisement depicts waxing as painful and as an undesirable procedure and considered that there is no comment in the advertisement at all about the desirability of being hair-free or not. The Board noted that the man has volunteered to have the full body wax and considered that the advertisement does not suggest that all men, or women, should remove hair from their bodies and that using a specific gender in an advertisement does not of itself amount to discrimination or vilification.

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 2.4 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 complainant's concern that the advertisement shows a man having hair removed from his bottom and pubic region. The Board noted that the 'back, sack and crack' wax is a common waxing procedure and considered that the depiction of the man receiving this wax in the advertisement is discreet as the man's body is behind a screen and whilst we can see the outline of the man's body we cannot see any detail and it is not clear which part of the body is being waxed.

The Board noted the advertisement had been rated 'W' by CAD and considered that the relevant audience would include children. The Board noted that the level of nudity in the advertisement was mild and considered that the man was not presented in a sexualised manner. Overall 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.

