



Case Report

1	Case Number	0439/17
2	Advertiser	Parfums Christian Dior
3	Product	Toiletries
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	11/10/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Violence Domestic Violence

DESCRIPTION OF THE ADVERTISEMENT

The ad depicts a woman (Natalie Portman) running away from her boyfriend/partner. She screams at him and he screams back. She then pushes him and is later seen running away and eventually jumps off a pier into the sea. The final scene is the perfume bottle.

THE COMPLAINT

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

The scene where the woman in the ad yells at the man and then proceeds to push him, I find particularly sensitive given all we talk about in domestic violence. If this ad depicted a man pushing a woman, I believe there would be outrage, but since it's a woman pushing a man it is deemed okay?

I believe this ad featuring these scenes could be a trigger for people who have themselves experienced domestic violence.

A man and woman screaming at each other and one pushing the other is not an appropriate way to advertise a women's perfume.

In one indoor shot, Natalie forcefully shoves a man on his chest while shouting prove it, (i.e. his love for her).

If this situation was reversed there would be an outcry. A man shoving a women is totally unacceptable and likewise a women shoving a man is too. This is domestic violence. The

perfume Miss Dior is aimed at young women and this sends them a message that it is ok to push and yell to get what you want.

THE ADVERTISER'S RESPONSE

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

The Commercial aired on Australian free-to-air and pay television for a two week period from 17 September – 1 October 2017 and has now ceased airing.

About the Commercial

The Commercial was directed by Emmanuel (Manu) Cossu, known for his music videos made for electro artists such as Tricky, Gesaffelstein and Sébastien Tellier. The Commercial stars Parfums Christian Dior's "Miss Dior" brand ambassador since 2010, Academy Award winning actress Natalie Portman.

The Commercial follows on from previous advertisements featuring Ms Portman as the "Miss Dior" character. The Commercial is set to Sia's Grammy-award nominated song "Chandelier" and is fast-paced, showing the Miss Dior character's domestic relationship and her life outside of that relationship. Miss Dior is seen in various locations throughout the Commercial (sometimes with her partner), including on beaches, in an apartment, in bed, in various locations in Paris and driving a pink convertible. The Commercial is imbued with notions of love, freedom, independence and a wild spirit.

Ms Portman has been interviewed about the premise behind the Commercial (<https://www.youtube.com/watch?v=2qeDKYXkjb4>) and has stated that the Commercial is about "the true nature of love and all of its different facets" and "the whole range of emotions that you have with love". As noted by Ms Portman, the Commercial aims to show that Miss Dior is a woman now (in contrast to previous advertisements in which she has featured), liberated and strong, who lives in the moment and has the spirit of couture.

At the end of the Commercial, Miss Dior looks at the camera, breaking the fourth wall, and says "And you? What would you do for love?"

Nature of the complaints

We understand that the Commercial will be reviewed for its compliance with the whole of Section 2 of the AANA Advertiser Code of Ethics (the Code). However, the specific complaints which the ASB has received about the Commercial described it as: depicting "domestic violence" because "Natalie forcefully shoves a man on his chest while shouting prove it" and "sends a message to [young women] that it is ok to push and yell to get what you want";

"featuring...scenes [that] could be a trigger for people who have themselves experienced domestic violence"; and

"promot[ing] dangerous jetty jumping as something carefree".

Based on these complaints, we have identified sub-sections 2.3 and 2.6 of the Code as arguably relevant to the Commercial and address them in detail below, including references.

We understand that the advertisement will be reviewed in its entirety against Section 2 of the Advertiser Code of Ethics. Parfums Christian Dior submits that the Commercial does not raise any issues under any of the other sub-sections of the Code.

Alleged breaches of the Code

2.1 Presentation or portrayal of violence (Section 2.3)

Section 2.3 of the Code restricts the presentation or portrayal of violence unless it is justifiable in the context of the product or service advertised. The complaint about the Commercial relevant to this sub-section of the Code is that the Miss Dior character “forcefully shoves a man on his chest while shouting prove it”.

For the sake of clarity, at the start of the Commercial, the Miss Dior character says “prove it” to her partner in response to his statement ‘I love you’ but does not push him. Somewhat later in the Commercial, Miss Dior appears to push her partner away. Her hands are not able to be seen as part of the pushing action and only part of her partner’s head and part of his shoulders are visible. Accordingly, the push is only partly seen by the viewer and is partly implied. As with most of the scenes in the fast-paced Commercial, this scene lasts for less than one second.

Violence is usually defined as “behaviour involving physical force intended to hurt, damage or kill someone or something”. The action of Miss Dior in pushing her partner away is not of such force as to hurt or cause any damage to her partner and clearly she did not intend it to cause any physical harm or damage. On that basis, Miss Dior’s action does not fall within the usual definition of violence.

Even if Miss Dior’s action of pushing does constitute an act of violence according to a broad definition of that term, the focus of this scene is on Miss Dior and her emotions rather than her act in pushing her partner away. Indeed, some may view Miss Dior’s action in pushing her partner away as a possible act of self-defence or self-protection rather than an unprovoked aggressive act, the lead up to her action not having been seen by the viewer. From the look on Miss Dior’s face, she appears to have pushed her partner away out of annoyance, frustration or disappointment or wanting him to leave her alone rather than violent anger. As noted above, the scene is extremely brief and the portrayal of violence is not the message which the brief scene aims or intends to convey to consumers.

Parfums Christian Dior does not endorse violence nor the presentation nor portrayal of violence in its advertisements nor at all. The Commercial in no way intends to depict or condone violence. As set out above, the Commercial depicts the whole range of emotions that individuals experience when in a relationship and a woman who is strong and lives in the moment. Love inevitably involves ups and downs, highs and lows and joy and frustration. The Commercial focuses heavily on the aspects of love and joy that a relationship can bring to a woman, with these moments of frustration being kept to a minimum and depicted tastefully. Accordingly, Parfums Christian Dior is of the view that the partial, extremely brief image of Miss Dior pushing her partner away out of frustration is justifiable in the context of the advertisement for the Miss Dior product and the product image it is seeking to convey, which is that of a strong, liberated, free-spirited woman. Parfums Christian Dior does not agree that the Commercial “sends a message that it is ok to push and yell to get what you want”. Furthermore, Parfums Christian Dior does not believe that viewers of the Commercial would be left thinking that it focuses on the depiction of domestic violence or that it prominently features “[a] man and woman screaming at each other and one pushing the other”. This is not the take-away message of the Commercial.

This Commercial has been distributed internationally and is designed to be artistic in nature. As mentioned above, the Commercial was directed by a well-known music video director,

Emmanuel Cossu and also stars Natalie Portman. Our view is that the combination of these talents has resulted in the Commercial being a work of art. The Commercial does not gratuitously use violence merely to sell the product and does not aim to promote a message of violence.

For the reasons set out above, Parfums Christian Dior submits that it has not breached sub-section 2.3 of the Code.

Health and safety (Section 2.6)

2.2.1 The Commercial

Section 2.6 of the Code restricts the depiction of material contrary to prevailing community standards on health and safety. The complaint about the Commercial relevant to this sub-section of the Code is that it shows the Miss Dior character “jumping off the end of a high jetty into water [and] promotes dangerous jetty jumping as something carefree”.

Whilst jetty jumping is illegal in some parts of Australia and Parfums Christian Dior acknowledges the importance of knowing what is beneath the surface of water before entering it, Parfums Christian Dior is of the view that the Commercial does not promote dangerous jetty jumping. It is certainly not the intention of the Commercial to promote or encourage dangerous behaviour which is contrary to prevailing community standards. As with all scenes in the Commercial, the jetty jumping scene takes place very quickly and, although shown in slow motion, is over in a matter of three seconds. The overall tone of the Commercial is highly stylised, showing Miss Dior doing sometimes wild activities in a bid to show her free and independent spirit. The Commercial does not encourage viewers to engage in those activities and Parfums Christian Dior is of the view that viewers would not be likely to get that idea due to the highly stylised nature of the Commercial – which is highlighted by the slow motion used for this short scene.

The fact that the body of water shown in the Commercial has a jetty suggests that it is purpose built and/or well used by swimmers to enter the water. The body of water Miss Dior dives into is the ocean. The water is clear and deep and diving into it would not cause any harm to the diver. Miss Dior is seen safely completing the jetty jump without injuring herself or coming to any harm. The jetty jump shown here is very different to, for example, jumping into a murky river where the depth of the water is completely unknown.

Furthermore, despite the fact that this jetty jump was into deep water and safe to complete, Parfums Christian Dior took all necessary safety precautions before filming this scene and the dive was performed by an experienced stunt person. Parfums Christian Dior is of the view that viewers of the Commercial would understand that the dive was performed with all necessary safety measures in place.

Parfums Christian Dior also notes that the Advertising Standards Board has previously dismissed complaints which have shown individuals jumping into bodies of water in 0355/12 and 0379/14 on the basis that they did not depict or encourage dangerous behaviour.

Parfums Christian Dior submits that there is no reason why the reasoning of the Board in those two cases which involved the same behaviour should not also apply to the Commercial. Indeed, the jump in the Commercial seems much safer than that in 0355/12 where a young woman dived into a river from a ledge.

Parfums Christian Dior has a long history of designing and producing advertising campaigns for its products that are successful, of the highest artistic standards and conform with contemporary advertising standards. Our view is that the Commercial accords with contemporary advertising standards and is similar to the type of advertising campaigns used by many companies today, particularly in the perfume and cosmetics field.

For the reasons set out above, our view is that the Commercial complies with the Code.

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 complainants’ concerns that the advertisement depicts a scene of a woman pushing a man which is inappropriate and shows unnecessarily violent.

The Board viewed the advertisement 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 states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Board noted this television advertisement shows a woman (Natalie Portman) and her partner in various scenarios and at one point he yells “I love you” and she responds with “prove it.” The couple appear in front of the Eiffel tower and then she is seen on a street and she pushes the man in the chest. At the end of the advertisement, the woman talks to the camera and says, “and you, what would you do for love?”

The Board noted the complainants’ concerns that the image of the woman pushing the man is not acceptable and is likened to domestic violence.

The Board noted that the advertisement is intended to show a love story that has good and bad times and shows an exaggerated passion, featuring scenes that are movie like and very emotive. The Board noted that most members of the community would recognise the fantastical nature of the advertisement and understand that the advertisement is not a real setting.

The Board noted the scene where the woman pushes the man. The Board noted that it is impossible to tell who the woman is pushing and that the fleeting scene means it is difficult to know the context of the push. The Board noted that this was the only scene of the nature in the advertisement and that there was no depiction of frequent violence or physical or verbal abuse of any kind.

In the Board’s view, the scene of the push was not an integral part of the advertisement and that overall, the impression was of a passionate relationship showing the behaviours of two young people in love. The Board noted that the background music is the song “Chandelier” which is a strong piece adding to the intensity of the activities of the woman.

The Board considered that the advertisement did not present or portray violence and did not breach Section 2.3 of the Code.

The Board 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 advertisement features the woman jumping off a jetty into a body of water.

The Board noted it had previously dismissed a similar complaint about two young males jumping from a jetty into a body of water in case 0379/14 where:

“... the water shown in the advertisement has a jetty and considered that this suggests that it is purpose built or at least well used by swimmers to enter the water. The Board noted that we do not see the man emerge from the water as the advertisement ends as he jumps in but considered that there is no suggestion that this water is not safe to jump in to or that the man has come to any harm.”

In the current advertisement, the woman is seen running along a jetty before jumping in. The Board noted the woman is dressed in a formal gown and that the jetty appears very high. The Board noted that the whole advertisement is highly stylised and this scene in particular is unrealistic as most people do not jump into water in formal gowns.

Consistent with case 0379/14, the Board noted that there is no signage or anything to suggest that the body of water is unsafe and the use of a jetty suggests that it is likely to be used for recreational activities such as swimming and fishing.

The Board noted that there is concern in the community about entering any body of water without checking for dangers and assessing the risks of such activity. In the Board's view however, the advertisement did not depict, encourage or condone behaviour contrary to prevailing community standards on health and safety.

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