



Case Report

1	Case Number	0446/15
2	Advertiser	Beiersdorf Aust Ltd
3	Product	Toiletries
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	11/11/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.2 - Objectification Exploitative and degrading - women
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on a woman exercising whilst a female voiceover says that working out helps you feel firm and tight. The voiceover then goes on to say that on the days you don't work out you can use Nivea Q10 body lotion as it gives you firmer looking skin. We see a woman applying the lotion to her legs then turning to look at herself in a full length mirror: she is wearing blue undies and a cropped white top.

THE COMPLAINT

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

*At the end of the ad there is a shot of a woman in thong-type underwear. There is a full screen shot of her including her underwear and semi-naked buttocks which are clearly visible. I find this ad offensive according to the Code of Ethics 2.2 as it objectifies and exploits women as sex objects and employs sexual appeal in a totally unnecessary way. Further to this the time slot in which the ad was aired tonight makes it even more inappropriate as it was during a children's movie.
As a woman I find this ad degrading of my sex, inappropriate, demeaning and offensive.*

THE ADVERTISER'S RESPONSE

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

We refer to your correspondence advising us of a complaint received by the ASB for one of our products. We, Beiersdorf Australia Ltd, are the advertiser concerned in this complaint referred to in case number 0446/15.

We thank you for the opportunity to respond and our comments are as detailed below.

Description of the Advertisement

The complainant refers to “Nivea visage cream” which was placed on free TV channel Go on Friday 23 October 2015 ca 1920, during the film of ‘Madagascar 3’. We have checked with the networks and have determined that the product referred to by the complainant is incorrect. The TVC that was aired in this slot was for a NIVEA product, but not a face cream. The product advertised was for “NIVEA Q10 Firming Lotion” through a 15sec TVC.

Comments in relation to the complaint

- *Classification of the TVC*

- o Firstly, we would like to address the concern raised by the complainant of the appropriateness of a TVC aired during a children’s movie, which is covered under Section 2 of the Code of Ethics incorporating the AANA Code of Advertising and Marketing Communications to Children.*

- o The TVC received a classification of ‘W’, confirming that it is appropriate for all audiences, exclusive od during or adjacent to Children’s (C) and Preschool (P) programming.*

- o ‘W’ rating as defined by CAD is as follows:*

General/Warning W

Definition: General/Care in placement

May be broadcast at any time during P (preschool) and C (children) programs or adjacent to P or C period. Exercise care when placing in cartoon and other programs promoted to children or likely to attract a substantial child audience.

Product Description: Commercials which comply with the G classification criteria in Appendix 4, Section 2 of the Code of Practice but require special care in placement in programs promoted to children or likely to attract a substantial child audience.

- o Our media agency has confirmed that the programming of ‘Madagascar 3’ was rated PG, and assured that the TVC will continue only running in the appropriate programming. The CAD rating system is also an additional checkpoint to ensure stations do not air the TVC during or adjacent to Children’s or Preschool programming.*

- *Intent of the TVC*

- o *NIVEA Q10 Firming Lotion is an all-over body moisturiser specifically formulated to target parts of the body that may lose firmness over time or be prone to cellulite; typically arms, stomach, thighs, and buttocks.*

- o *The target audience for this product and subsequently this TVC is women aged 25-44 years. This scene was intended to demonstrate the benefits of using the product, portraying a confident woman looking at her skin in her bedroom. This scene is shown immediately after an application scene, linking her behaviour to having just applied the product.*

- o *The complainant suggests the TVC “objectifies and exploits women as sex objects and employs sexual appeal...” The intent was to demonstrate the benefits of using NIVEA Q10 Firming Lotion and appeal to a purely female audience in a manner that is neither sexually suggestive nor provocative. It is simply a demonstration of product use and end benefit (both functional by way of skin appearance, and emotional by way of confidence), and is in no way exploitative or degrading to women, as outlined in part 2.2 of Section 2 of the AANA Code of Ethics.*

- o *Further to the section outlined by the complainant, we also wish to comment on section 2.4: Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.*

- o *The complaint describes the wardrobe as “thong-type underwear”. The model is wearing hipsters / hip huggers, with only the lower portion of her buttocks visible, unlike a thong which shows the full buttocks. Further, due to the nature of the product as a firming body lotion, it is reasonable to show a portion of skin sometimes affected by cellulite or lack of firmness – in this case thighs and (partial) buttocks – to properly communicate product efficacy and the guarantee of “firmer looking skin in just 2 weeks.”*

- *Pursuant to the other parts of Section 2, we feel this TVC does not: discriminate or vilify any persons (2.1); use any means of violence (2.3); use inappropriate language (2.5); nor jeopardize health and safety in any way (2.6). Accordingly, we contend the TVC does not engage “sexual appeal in a manner which is exploitative and degrading of any individual or group of people.”*

We trust this response is satisfactory and thank you once again for the opportunity to respond.

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 objectifies women and is not appropriate for children to see.

The Board viewed the advertisement and noted the advertiser’s response.

\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 this television advertisement for a body lotion includes a scene where a woman applies the lotion to her skin then taps her bottom whilst looking in a mirror.

The Board noted the complainant’s concern that the advertisement objectifies women. The Board noted that the camera focuses on the woman’s exposed skin in each scene, including her stomach and arms whilst she is working out at the gym, her legs when she is walking down a street and sitting in an office chair, and when she applies the lotion to her legs at home. The Board noted the advertised product is a body lotion and considered it was reasonable for an advertiser to show the effects of its product in an advertisement as long as it complies with the Code.

The Board noted that in order to be in breach of this section of the Code the image would need to use sexual appeal in a manner that is both exploitative and degrading.

The Board considered that the focus on the woman’s body throughout the advertisement is clearly in the context of the advertised product. The Board noted that the woman is wearing appropriate clothing for each activity she is shown engaging in and considered that there is no inappropriate focus on any part of her body which would amount to objectification. The Board considered that it is not degrading to show a woman applying body lotion in the manner depicted in the advertisement.

The Board considered that overall the 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 the advertisement had been rated ‘W’ by CAD and was seen by the complainant during Madagascar 3.

The Board noted that in each scene the woman is wearing clothing and considered that the level of nudity is relatively mild. The Board noted that the woman’s clothing in each scene is appropriate for the activity and considered that neither the clothing, the woman’s behaviour, or the overall tone is sexualised. The Board noted that after applying body lotion to her thigh the woman is shown admiring herself in the mirror and tapping her bottom but considered that her actions are playful rather than sexual and that the focus throughout is on the product and its effects on the skin rather than the woman’s body itself.

Consistent with a previous determination against the same advertiser in case 0135/14 the Board considered in this instance 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.