



## Case Report

1	Case Number	0463/11
2	Advertiser	Calvin Klein Perfume
3	Product	Toiletries
4	Type of Advertisement / media	TV
5	Date of Determination	07/12/2011
6	DETERMINATION	Upheld - Modified or Discontinued

### ISSUES RAISED

2.3 - Sex/sexuality/nudity      Treat with sensitivity to relevant audience

### DESCRIPTION OF THE ADVERTISEMENT

Models dressed in casual clothing dancing under colourful lights to loud music. In some scenes we see an underwear clad woman straddling a man. Final shot is of two bottles of CK Shock perfume.

### THE COMPLAINT

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

*I don't have a problem with the advertisement being on but not at 4pm. I have a child and this came on while she was watching her shows! It basically depicts an orgy and people rubbing all over each other. It is extremely sexual and as the fragrance name suggests it aims to shock the public but it is definitely not appropriate for this timeslot and should not be "shocking" kids!*

*At this time of day my younger children are usually watching and I found this advert to be a little too sexually explicit for their age group. (10) and 13yo).*

*I was extremely offended by this ad due to its content of people looking to be having sex and on top of each other but the ad is being sneaky by trying to quick snap it in front of the audience. Out of all the ads I've seen I've never been so appalled.*

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## **THE ADVERTISER'S RESPONSE**

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

*Before running the ad we went through the correct processes and received a PG (Parental Guidance) rating from CAD which means we were able to run the ad in all timeslots (except Children's programming). This has been adhered to with our media buy. We have submitted a request to CAD for comment on this matter but are yet to receive a statement from them.*

## **THE DETERMINATION**

The Advertising Standard Board ('the Board') considered whether the advertisement complied with the AANA Code of Ethics ('the Code').

The Board noted the complainants' concerns that this advertisement depicts explicit sexual content at inappropriate times.

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

The Board considered whether the advertisement complied with Section 2.3 of the Code which requires that advertising and marketing communications '...shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone'.

The Board noted the advertisement features flashes of images of young people dancing or embracing and that in some scenes you see an underwear clad young woman sat astride a young man.

The Board considered that the scenes of the man and woman appeared to simulate sexual activity and were very sexually suggestive and that these images, although later seen to be dance moves, were sexualised. The Board noted that advertisement had been rated PG by CAD and that the complainants were concerned that the advertisement contained sexual content inappropriate for a PG audience.

The Board noted that the product is called Shock and considered that the content of the advertisement is relevant in that context however the Board considered that this depiction of

sex, sexuality and nudity is not appropriate for the relevant audience or the relevant programme time zone.

Finding that the advertisement contains sexual imagery inappropriate for viewing by a PG audience the Board determined that the advertisement breached Section 2.3 of the Code.

Finding that the advertisement breached Section 2.3 of the Code the Board upheld the complaint.

#### **ADVERTISER RESPONSE TO DETERMINATION**

In response to case 0463/11, the advertising material in question has been removed from air. We have no plans to re run this material.