



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0476/18
2	Advertiser	Brand Developers
3	Product	Toiletries
4	Type of Advertisement / media	TV - Pay
5	Date of Determination	24/10/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Physical Characteristics
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The advertisement is a 30 second advertisement for Thin Lizzy Liquid Foundation (the Product). The advertisement has Georgia (a teenager) applying the Product to her face and as she has freckles the Product also covers those freckles. The advertisement emphasizes the speed the consumer can apply the Product and also its ability to cover the face without excessive amounts of makeup.

THE COMPLAINT

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

The ad basically said that freckles were blemishes and that people could cover them up with their product. I have freckles, my daughter has freckles, my son has freckles. Lots of people do. This ad is blatantly targeting teenagers and telling them that if they have freckles, they are flawed. This ad preys on impressionable youth.

THE ADVERTISER'S RESPONSE



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

The complainant is concerned that the advertisement “basically said that freckles were blemishes and that people could cover them up with their product. [...] This ad is blatantly targeting teenagers and telling them that if they have freckles, they are flawed. This ad preys on impressionable youth.”

In creating the advertisement, Brand Developers’ intention was to provide the consumer with a solution to a common desire, to apply makeup quickly and easily. No specific language conveying a message of discrimination or vilification is used in the advertisement and Georgia’s primary message in this advertisement is about the use of the Product. The overriding message is that the Product is quick and easy to apply and only a moderate amount of the Product effectively covers the face.

The complainant has drawn attention to the potential for consumers, and particularly those in the age group of “Georgia” to read into the advertisement a message that they are somehow “flawed” because they have freckles. That message is not intended or, we believe, conveyed in this advertisement and the complainant has introduced language not found in the advertisement (blemishes/flawed) and inaccurately portrays the advertisement as “blatantly targeting teenagers” and as an ad that “preys on impressionable youth”.

We submit that the advertisement does not breach any parts of the Code, including parts 2.1 and 2.6. and that the complaint should be dismissed.

Even so, Brand Developers commits to reviewing its Thin Lizzy Flawless Foundation advertisements with an aim to removing any potential for the consumer to receive any potentially discriminatory or vilifying message from them.

THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant’s concern that the advertisement gives the message that freckles are blemishes and those with freckles are flawed, is dangerous to teenagers’ body image and mental health, and is discriminatory towards those with freckles.

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

The Panel noted that this advertisement for a make-up brand depicts a woman with freckles covering them with the make-up.



The Panel 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 Panel noted the Practice Note to Section 2.1 provides the following definitions:

Discrimination – unfair or less favourable treatment.

Vilification – humiliates, intimidates, incites hatred, contempt or ridicule.”

The Panel noted the complainant’s concern that the advertisement is discriminatory towards those with freckles.

The Panel considered that while some members of the community may be uncomfortable with the idea that those with freckles should cover them; those with freckles are not a section of the community included in the provisions of the Code and that this advertisement therefore cannot be considered under Section 2.1.

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

The Panel 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 Panel noted the complainant’s concern that the advertisement gives the message that freckles are blemishes and those with freckles are flawed, and it is dangerous to teenagers’ body image and mental health.

The Panel noted that many make-up brands have similar advertisements, depicting the ‘covering up’ of perceived complexion inconsistencies.

The Panel noted that the advertisement does not use the word “blemishes”, and contains no message about freckles being a negative physical characteristic. The Panel considered that the advertisement is clearly an example of the product and its use.

In the Panel’s view most members of the community would be unlikely to view this advertisement as promoting negative or unsafe body image.

The Panel considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety regarding health and safety. The Panel determined that the advertisement did not breach Section 2.6 of the Code.



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

