



## Case Report

1	Case Number	0481/15
2	Advertiser	Chemist Warehouse
3	Product	Toiletries
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	09/12/2015
6	DETERMINATION	Dismissed

### ISSUES RAISED

2.4 - Sex/sexuality/nudity S/S/N - general

### DESCRIPTION OF THE ADVERTISEMENT

This television advertisement for Chemist Warehouse features Britney Spears promoting her new perfume, Fantasy. Britney's voiceover describes the perfume and we see visuals of her wearing lingerie in a softly-lit bedroom setting.

### THE COMPLAINT

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

*It's too revealing / seductive for this time slot.*

### THE ADVERTISER'S RESPONSE

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

*Thank you for drawing our attention to the anonymous complaint raised about the advertisement for Britney Spears Fantasy - Intimate Edition which was aired during Channel 10's "The Project"*

*The advertisement in question was CAD approved and received a W rating. As you would know this rating deems the content to be of a general nature, so G rated, but not being able to be shown during children's broadcasts.*

*The CAD Classification Handbook defines General/Warning “W” as “General/Care in placement. May be broadcast at any time except during P and C programs or adjacent to P or C periods. 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.”*

*Placement of this advertisement during “The Project” is consistent with the placement restriction imposed by the W rating.*

*The sections of the AANA Code of ethics referred to in your correspondence are dealt with point by point below;*

*“2.1 Advertising or Marketing Communications shall not portray people 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.”*

*I am of the strong opinion that no case could be mounted to assert that the advertisement acts to discriminate or vilify any group in any way.*

*“2.2 Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.”*

*Britney Spears appears in the advertisement as herself, it is not possible to conclude that an individual appearing in their own advertisement promoting their own product could be exploitative of that person. Ms Spears is a well-known celebrity who celebrates her feminism and sexuality, she is not exploited by it but rather she embraces and rejoices in it. It is not reasonable to contend that Ms Spears is being exploited and no other individual or group are represented in the advertisement.*

*“2.3 Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.”*

*No violence is present in this advertisement.*

*“2.4 Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.”*

*No nudity or sex is present in the advertisement. Any sexuality or rather sensuality presented in the advertisement is presented in a manner that is sensitivity to the relevant audience. The sensuality is neither confronting nor overt but rather appropriate for the product and the audience.*

*“2.5 Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided.”*

*No inappropriate language is used in this advertisement.*

*"2.6 Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety."*

*The advertisement is consistent with prevailing community standards on health and safety.*

*Whilst it is never our intent to offend any member of the public with any of our advertising I feel in this instance the complained about material is far from offensive, is consistent with societal norm and was placed before an appropriate audience.*

## **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 contains images which are too revealing and seductive to be aired in the early evening.

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

The Board 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 this television advertisement features Britney Spears wearing different styles of lingerie to promote her new perfume which is available from the Chemist Warehouse.

The Board noted that the advertisement is filmed using a soft focus and switches between images of Britney, her perfume and a romanticised boudoir setting with flowers and billowing net curtains. The Board noted that Britney is shown wearing different styles of lingerie and considered that the lingerie covers her private areas and the level of nudity is relatively mild and is not too revealing. The Board noted that Britney is shown in various poses, including running her hands over her hips, but considered that they are fleeting images, the soft focus makes them slightly blurry, and the poses are not overly sexual or inappropriate.

The Board noted the advertisement had been rated 'W' by CAD and considered that the content of the advertisement is not inappropriate for 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.