



# Case Report

1	Case Number	0501/16
2	Advertiser	MECCA Brands Pty Ltd
3	Product	Toiletries
4	Type of Advertisement / media	Poster
5	Date of Determination	23/11/2016
6	DETERMINATION	Dismissed

## ISSUES RAISED

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

## DESCRIPTION OF THE ADVERTISEMENT

Window decal (sticker) promoting frank body brand coffee based skincare scrub. The image is of six women lying on their backs with their legs in the air, covered in the coffee scrub. The women are wearing skin-coloured underwear. The text above the women says, "Get naked and cover yourself in coffee, babe."

## THE COMPLAINT

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

*Because it horrified both of my daughters. It immediately conjured up emotions of fear of violence against women. My daughters said it made them feel yucky and it is horrible to look at.*

## 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 letter enclosing a copy of a complaint received by you under section 2 of the Australian Association of National Advertiser's (AANA) Code of Ethics (Code) about a*

*promotion of MECCA Brands Pty Ltd (promotion).*

### *1. The promotion*

*The one-off promotion was part of an isolated campaign run collaboratively with a well-known and reputable skincare company called SNDR pry ltd t/a frank body (frank body), which specialises in coffee-based skincare products. The frank body brand is widely recognised amongst its large consumer following (primarily women of all demographics) for its unique character and direct, honest and cheeky personality that encourages women to express themselves freely. The purpose of the frank body brand and products is to make skincare fun and light-hearted which has resulted in it becoming a social phenomenon and garnering the wide support of women of all demographics.*

*Given that the product being promoted is a frank body product, frank body was closely consulted throughout the entire creative process of devising the promotion and provided significant guidance and information in relation to the product's intended use, features and market.*

*Since the frank body product is an 'in shower' coffee body scrub which can only be used on bare skin, it was important to demonstrate the coffee scrub in use. Given that the process of rubbing the coffee scrub is a messy cleansing process, combined with the fact that your skin should be bare in order to use it, the product was shown in its simplest and truest form.*

### *2. The complaint*

*In light of the foregoing background and creative intentions with respect to brand imagery, we assert that the promotion complied with section 2 of the Code in all respects and respond to each clause in section 2 of the Code as follows:*

#### *(a) Section 2.1: Portrayal of people*

*Although images of women were used in the one-off promotion, the imagery used did not unfairly depict women as inferior to men, nor did it serve to vilify females on account of their gender, race, nationality, sexual preference, ethnicity, age, religion, disability, mental illness or political belief.*

*Both MECCA Brands Pty Ltd and SNDR pry ltd t/a frank body:*

- select a range of women to feature in their campaigns, all with different personalities, body shapes and skin types; and*
- passionately oppose all forms of discrimination and vilification.*

*In this instance, the images used in the promotion were carefully and purposefully selected in order to convey how best to use the product in the most direct and relatable way. This particular promotion portrays women using the product in a positive and fun way, and was designed to promote women feeling comfortable and confident in their own skin.*

*The belief that all women should be able to feel comfortable and free to express themselves how they see fit is a core value of our business and we feel strongly that this particular promotion does not stray from this value.*

#### *(b) Section 2.2: Exploitative and degrading*

*Contrary to the concerns raised by the complainant regarding objectification of women, we refer to the AANA's Practice Note of 26 November 2013 (Practice Note), which stipulates that 'not all images of people who are scantily clad will be unacceptable under this section'.*

*We strongly reject any notion that suggests that the images used in the one-off promotion were used for the purpose of debasing or abusing women or that their use was for the purpose of lowering the character or quality of a particular person or group. To the contrary, the promotion portrays women exuding happiness and confidence, while also reflecting the persona and brand image of both SNDR pry ltd t/a frank body and MECCA Brands Pty Ltd (refer above).*

*Although the frank body product is designed to be used when skin is bare, due to its messy nature, the women depicted in the promotion are all wearing underwear to ensure modesty.*

*(c) Section 2.3: Violence*

*Section 2.3 is not relevant as the one-off promotion clearly does not portray any violence or sexual violence.*

*(d) Section 2.4: Sex, sexuality or nudity*

*With reference again to the Practice Note, we note that ‘promotions which depict women or men scantily clad, are generally acceptable, if relevant to the product’ and that the ‘discreet portrayal of nudity and sexuality in an appropriate context (eg promotions for toiletries and fashion) is generally permitted’.*

*On these bases, we submit that the images were used in order to demonstrate how to best use the product rather than for any other sexually inappropriate purpose. Indeed the promotion did not contain ‘explicit sexual depictions’ nor was it highly suggestive of sexual activity or intent contrary to this section.*

*(e) Section 2.5: Language*

*The wording used, namely ‘Get naked and cover yourself in coffee, babe’ was appropriate in the circumstances, given that that is precisely the manner in which the product is to be used in order to cleanse and scrub the skin. There was no strong or obscene language used.*

*(f) Section 2.6: Health and safety*

*Section 2.4 is not relevant to the complaint, as the imagery employed in the one-off promotion was not contrary to prevailing community standards relating to health and safety, nor did it depict images of unsafe practices.*

### *3. Conclusion*

*MECCA Brands Pty Ltd has a proven track record of supporting and respecting women for over 15 years and has never received a similar complaint from the Advertising Standards Bureau nor has it been found to have breached the Code or any other ethical standard. MECCA Brands Pty Ltd is a recognised supporter and sponsor of a number of high-profile charity and philanthropic organisations including:*

- The Hunger Project (empowering women in developing countries to end world hunger through sustainable, women-led strategies);*
- the Women’s Donor Network (which advocates for greater investment in women and girls and promotes the use of gender-sensitive principles in grant making);*
- the St George Foundation (which supports smaller community organisations that work to help socially, economically, or physically disadvantaged children and families); and*
- the National Gallery of Victoria Foundation through which MECCA has supported and promoted the work of female Australian artists.*

*MECCA Brands Pty Ltd has not only made significant financial contributions to these organisations but strives to raise awareness and highlight the work of these organisations through its extensive national customer base both in store and online.*

*MECCA Brands Pty Ltd is committed to empowering women throughout the world and working towards a future in which no female is discriminated against on account of their gender. Such commitment is evidenced by its involvement in the above philanthropic organisations (see for example <http://mecca.com.au/the-mecca-community.html> and <http://thp.org.au/partnerships/>). MECCA Brands Pty Ltd is a proudly owned and operated Australian family business that under no circumstances would ever engage in an activity that it considered to be discriminatory against women.*

*As a final note and without any admission of liability, we wish to inform you that the promotion ended on 7 November 2016 and is therefore no longer present in any MECCA Brands stores.*

## **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 was distressing and contained imagery of violence against women.

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 that this poster advertisement features window stickers of six women lying on their backs with their legs in the air, covered in coffee scrub. The text above the women says ‘get naked and cover yourself in coffee, babe.’

The Board noted the complainant’s concerns that the advertisement represented violence against women, and considered that the dark marks on the women’s legs may initially look like dirt or bruises.

The Board noted that the smudges on the women’s legs may not be immediately recognisable as coffee scrub; however considered that in connection with the text above the advertisement this depiction then becomes clear.

The Board considered that the interpretation of the advertisement as violent was unlikely and considered that the advertisement was clearly portraying women using coffee scrub.

The Board considered that the advertisement did not present or portray violence and determined that the advertisement did not breach Section 2.3 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 featured six women in skin-coloured underwear lying on their backs with their legs in the air.

The Board noted that this was an advertisement that faced into the street and as such the relevant audience would include children.

The Board noted that the text in the advertisement included the words ‘get naked’ but noted that the women in the advertisement were clearly wearing underwear and not naked.

The Board noted that although the women’s faces weren’t visible and the focus of the advertisement was on their legs, this was done to show the product in use, and the women were not shown in a sexualised manner.

The Board considered that the women were appropriately covered and the advertisement was not sexualised, and was appropriate for the relevant audience which would include children.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

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.