



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0519/16</b>
<b>2</b>	<b>Advertiser</b>	<b>Henkel</b>
<b>3</b>	<b>Product</b>	<b>House Goods Services</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Internet</b>
<b>5</b>	<b>Date of Determination</b>	<b>07/12/2016</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

The advertisement is a digital video created to promote Henkel's Fab Aromatherapy laundry detergent ("Product"), edited into 60- and 15-second versions (both, the "ad"). Both versions are a spoof of the nudist lifestyle.

In the 60-second version, two nudist couples are shown to become so impressed by the impact of the Product on their clothes that they begin to prefer wearing clothes to remaining nude. The 15-second version contains a sub-section of the longer version that shows one of the couples meditating to the smell of their washing machine as it operates with the Product.

The couples are shown going about ordinary daily activities, such as yoga, cleaning the pool and landscaping. However, at no time are 'private parts' visible. Strategically placed objects, a la "Calendar Girls" are used to ensure this.

### THE COMPLAINT

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

*I don't want to see nudity every time I read an article from the Morning Bulletin (Rockhampton edition)*

## THE ADVERTISER'S RESPONSE

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

### 1. Introduction

*Henkel Australia Pty Ltd (“Henkel”, “we”, “our”) is sensitive to the views of consumers and takes the feedback we receive very seriously. Furthermore, Henkel places great importance on its compliance with the Competition and Consumer Act and AANA Code of Ethics (“Code of Ethics”). We believe the advertisement that is the subject of this complaint is fully compliant with all laws and the Code of Ethics.*

*We provide this response to the notification of a complaint from the Advertising Standards Bureau with reference number 0519/16 (“Notice”).*

### 2. The Advertisement

*The advertisement is a digital video created to promote Henkel’s Fab Aromatherapy laundry detergent (“Product”), edited into 60- and 15-second versions (both, the “ad”). Both versions are a humorous spoof of the nudist lifestyle.*

*In the 60-second version, two nudist couples are shown to become so impressed by the impact of the Product on their clothes that they begin to prefer wearing clothes to remaining nude. The 15-second version contains a sub-section of the longer version that shows one of the couples meditating to the smell of their washing machine as it operates with the Product.*

*The couples are shown going about ordinary daily activities, such as yoga, cleaning the pool and landscaping. However, at no time are ‘private parts’ visible. Strategically placed objects, a la “Calendar Girls” are used to ensure this.*

### 3. The Complaint

*The complainant viewed our ad online by a website operated by the Morning Bulletin newspaper in Queensland. It is uncertain from the Notice which version of the ad she viewed.*

*The complainant stated her reason for concern was that she didn’t “want to see nudity every time I read an article from the Morning Bulletin”.*

### 4. Relevant Section of the Code of Ethics

*As a complaint was received from a consumer, section 2 of the Code of Ethics apply. Specifically, the Notice stated the issue of nudity is raised under section 2.4.*

*Section 2.4 of the Code of Ethics states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.”*

*We have considered the other sub-sections of Section 2, and do not believe that any apply or have been breached in the ad.*

*Finally, the AANA Code of Advertising & Marketing Communications to Children, Federal Chamber of Automotive Industries Code and AANA Food & Beverages Advertising & Marketing Communications Code, as incorporated in the Code of Ethics, do not apply to the ad.*

#### *5. Henkel's Submission*

*The ad is a spoof of the nudist lifestyle, showing the characters with no clothes in ordinary situations where a more typical member of society would be clothed. In the 60-second ad, the depiction of nudity sets up the conclusion of the ad where the characters develop a preference for wearing their clothes. In the 15-second ad, the nudity establishes the drive of the characters to attain "relaxation, harmony and serenity" in their practice of yoga.*

*In both versions, there is no inference of sexual relations (quite the opposite – cleaning the pool, etc.) and the images and actions of the characters are not sexually suggestive. All 'sensitive body areas', such as genitalia, buttocks and female nipples have either been covered or obscured from the viewer. Henkel submits, therefore, that while the ads do contain nudity, that nudity is non-sexual and supports the theme of the ad as a humorous spoof on the nudist lifestyle and does not breach any community standards.*

*In addition, Henkel designed the ad with its relevant audience specifically in mind, which excludes children who are not likely to appreciate the intended humour in the nudity or its use in emphasising the positive effect of the Product. We have also taken the following steps in that regard:*

*Although not necessary, we obtained CAD approval with the ad assigned an "A" rating.*

*The ad has been shown in cinemas for pre-movie advertising, but only for movies above a G or PG rating.*

*The ad has been used in a digital media campaign across websites, including the Morning Bulletin's website, that targets persons over the age of 18.*

*Therefore, we further submit that the ad is appropriate for its relevant audience.*

*Finally, we think it should be noted that the complainant's complaint appears to be directed more towards the website provider than our ad, as she stated that she does not "want to see nudity every time I read an article from the Morning Bulletin" (our emphasis). She did not state or suggest that the ad itself is inappropriate.*

*Henkel strongly believes the ad is fully compliant with the Code of Ethics and therefore requests this complaint be dismissed.*

### **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 featured an inappropriate amount of nudity. 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 that this advertisement is an online advertisement featuring a video showing a nudist couple going about everyday activities while naked, including yoga, cleaning the pool and landscaping. Throughout the video strategically placed objects cover the couple’s private parts. The Board noted the advertisement was a humorous depiction of a nudist couple choosing to wear clothes after using the advertiser’s laundry detergent. The Board considered that the nudity in the advertisement was humorous and not sexualised. The Board noted that while the couple were shown as being naked for most of the advertisement their private parts were covered by strategically placed objects. The Board considered that the couple were appropriately covered or obscured at all times, and the level of nudity was not inappropriate for an online audience. The Board noted that the activities undertaken by the couple are not sexualised or sexually suggestive and considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad online 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.