



Case Report

1	Case Number	0536/16
2	Advertiser	Coty Australia Pty Ltd
3	Product	Toiletries
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	18/01/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.2 - Objectification Exploitative and degrading - women
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts a glamorous woman wearing a little black dress rolling on top of a rug on the floor with the perfume bottle in her hand. She is seen laughing with her eyes closed while skimming the bottle over her face and body, and at one stage bites down on the chain of the bottle cheekily. Sultry music is playing in the background of the ad. The only words spoken are at the end of the Advertisement are “Decadence and the new Divine Decadence. Fragrances for women by Marc Jacobs”.

THE COMPLAINT

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

This should not be allowed to show on television.

The advertisement featured a scantily clad woman writhing in a sexually suggestive way. This ad was screened during the Test Cricket, at a time where minors are still watching.

The ad is overtly sexualised of a woman writhing in ecstasy. It objectifies and sexualises her and the ad is actually for perfume.

THE ADVERTISER'S RESPONSE

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

Background

Marc Jacobs Divine Decadence (the Product) is the new radiant, sensual and floral fragrance in which the bottle is in the shape of their iconic handbag, as per the original Decadence EDP.

The Advertisement depicts a glamorous woman wearing a little black dress rolling on top of a rug on the floor with the perfume bottle in her hand. She is seen laughing with her eyes closed while skimming the bottle over her face and body, and at one stage bites down on the chain of the bottle cheekily. Sultry music is playing in the background of the ad. The only words spoken are at the end of the Advertisement are "Decadence and the new Divine Decadence. Fragrances for women by Marc Jacobs".

The Complaints

The concerns raised by the complainants are:

- a) They see the advertisement as being too sexually suggestive and it was also screened during the Test Cricket (26/11/2016, 8:45pm) when minors may have been watching.*
- b) They feel the model in the advertisement is too sexual in manner, with no sense of integrity and moral responsibility, hence deeming it inappropriate for television (02/12/2016, 8:14pm).*
- c) They see the model as being objectified and overtly sexualised (multiple times in mid-November).*

The AANA Code of Ethics

The ASB has identified that all of Section 2 of the AANA Code of Ethics (Code of Ethics) may have been breached by the Advertisement.

Coty has carefully reviewed and considered the complaints made about the Advertisement under the Code of Ethics and specifically Section 2.

Section 2.1

Coty does not believe the Advertisement breaches section 2.1 of the Code of Ethics.

Section 2.1 states that 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.

In line with the AANA Code of Ethics Practice Note, we confirm that the Advertisement does not discriminate against or vilify women. The model is shown laughing by herself, incredibly happy and joyful. Under no circumstances in the Advertisement is she seen being unhappy,

abused or discriminated against.

Section 2.2

Coty does not believe the Advertisement breaches section 2.2 of the Code of Ethics. Section 2.2 states that Advertising or Marketing Communications shall not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people [women].

We confirm that the Advertisement does not depict sexual appeal that is exploitative and degrading to any women. As mentioned above in Section 2.1, the adult female model is seen laughing alone and expressing joy, conveying an empowered woman who is in control of herself and free to do as she wishes. In contrast to being exploitative and degrading, the Advertisement shows that women can be both attractive and independent, free to do as she pleases without anyone telling her otherwise.

Section 2.3

Coty does not believe the Advertisement breaches section 2.3 of the Code of Ethics.

Section 2.3 states that Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

We confirm that the Advertisement does not portray any type of violence – verbal, mental, or physical. The female model is rolling on the rug alone and expressing laughter and joy.

Section 2.4

Coty does not believe the Advertisement breaches section 2.4 of the Code of Ethics.

Section 2.4 states that any advertising or marketing materials shall treat sex, sexuality and nudity with sensitivity with regards to the relevant [general] audience.

In line with the AANA Code of Ethics Practice Note, we confirm that the Advertisement does not contain sex, sexuality or nudity as the model in the Advertisement is fully clothed at all times, nor is she behaving in an overtly sexual manner by laughing by herself and rolling on the rug with a bottle of perfume in her hand. Neither are there images or depictions as described within the Practice Note whereby they are not relevant to the Product.

Section 2.5

Coty does not believe the Advertisement breaches section 2.5 of the Code of Ethics.

Section 2.5 states that 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.

We confirm the Advertisement does not use any strong or obscene language as the only words spoken are “Decadence and the new Divine Decadence. Fragrances for women by Marc Jacobs”.

Section 2.6

Coty does not believe the Advertisement breaches section 2.6 of the Code of Ethics.

Section 2.6 states that Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

The Advertisement does not depict any material relating to health and safety whatsoever.

Placement of the Advertisement

With reference to the requirement that any advertising and marketing communications of this nature be treated with sensitivity to the general audience, we note the complainants viewed the Advertisement on free-to-air television at the following times:

- a) 8:45pm on the 26th of November 2016*
- b) Multiple times on the week of 22nd of November 2016*
- c) 8:14pm on the 2nd of December 2016*

The CAD rating, as seen below, was determined as PG for the Advertisement.

The rating means the Advertisement was able to run in any program that was not classified as P (pre-school) or C (children). As such, no Free TV guidelines were breached by advertising in peak programming (post 18:00). The classification advises that this is appropriate for children to watch with supervision.

The spots specified in the complaints were paid spots, with the Test Cricket spot being shifted at the last minute. If there are any complaints referring to off-peak timings (which were not specified in these complaints), these would have been bonus spots given by the television network.

Our 100% peak buying strategy emphasises the importance of buying within appropriate adult programming provided they are our target audience. On the occasion that there are programmes watched by the entire family (eg. Test Cricket), we would presume that children be supervised by adults as it would be past 20:30.

Both the agency and the Television Networks are very vigilant in ensuring that we buy within the parameters that Free TV / CAD specify.

Conclusion

There are no issues with a PG rated TVC advertising in peak programming, and the only stipulation the Advertisement had to adhere to is not showing in P or C content in which we have complied. As a result, Coty respectfully requests that these complaints that fall under Section 2 of the AANA Code of Ethics be dismissed as the Advertisement had aired in line with the Commercials Advice rating.

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 complainants’ concerns that the advertisement depicts a scantily clad woman in a manner which objectifies her and the level of sexual suggestion is not appropriate for children to view.

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

The Board considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: “Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.”

The Board noted that this television advertisement for Marc Jacobs Decadence perfume features a female model wearing a black dress and heels, rolling around on a rug and running a perfume bottle over her face as she laughs.

The Board noted that in order to be in breach of this section of the Code the image would need to use sexual appeal in a manner that is both exploitative and degrading.

The Board noted the Practice Note for Section 2.2 which provides the following definitions:

“Exploitative means clearly appearing to purposefully debase or abuse a person, or group of person, for the enjoyment of others, and lacking moral, artistic or other values;

Degrading means lowering in character or quality a person or group of persons.”

The Board noted that the manner in which the model is presented in the advertisement is consistent with high fashion advertising for perfume houses and considered that it is not unreasonable for advertisers to use attractive models in the promotion of their products. The Board noted that the model appears confident and in control and considered that while the overall tone is one of sexiness and seductiveness this does not amount to a depiction that is debasing or in any way lowering the character of women.

The Board considered that the advertisement did not employ sexual appeal in a manner which is exploitative and degrading to any individual or group of people.

The Board determined that the advertisement did not breach Section 2.2 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 it had previously upheld complaints about the same advertisement when it

was aired at the cinema in case 0007/16 where:

“The Board noted it had dismissed complaints about similar advertisements in cases 0536/14, 0012/15 and 0355/15, but noted that in this instance the advertisement had been aired prior to the movie “The Good Dragon” which is rated PG. The Board noted the advertiser’s response that the advertisement was aired in error as it was booked to run prior to M Rated movies, not PG.

The Board considered that the depiction of the woman rolling on the floor is sexualised and that whilst the overall tone is artistic, in the Board’s view this sexualised content is not appropriate in the context of a broad PG cinema audience which would include children.”

The Board noted that the current advertisement had been rated ‘PG’ by CAD for airing on free to air television and considered that unlike the previous case, where the audience included children who had been taken to the cinema specifically to watch a cartoon movie aimed at younger audiences, the PG audience of television is very broad and the range of programs which fall under the PG category varies. The Board noted that one complainant had stated they saw the advertisement at 8.45pm while another had just said it was shown at various times and considered that in the context of an advertisement aired during PG times on television the level of nudity is mild and the content does treat sexuality with sensitivity to the relevant audience.

Consistent with previous determinations for similar complaints about perfume advertising on television (0265/14, 0536/14) the Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad PG audience of free to air television.

The Board considered that the advertisement did not depict sex, sexuality and nudity and 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 complaints.