



Case Report

1	Case Number	0539/16
2	Advertiser	Chemist Warehouse
3	Product	Toiletries
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	07/12/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The television advertisement depicts a woman wearing a black dress with teddy bears sewn around the top. The woman dances to music before removing the head of one of the teddies to reveal a perfume bottle and spraying herself with the perfume. The teddy bear bottle is then shown with the words 'This is not a Moschino Toy' written on its shirt. A female voice over says 'Toy by Moschino'.

THE COMPLAINT

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

There is a lady dancing around sexually with small teddy bears attached to her dress. Then it shows a teddy with Moschino written on it.

THE ADVERTISER'S RESPONSE

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

The advertisement shows a lady wearing a shawl made up of teddy bears dancing. The advertisement received W rating from CAD. Contrary to the complainants assertion there is nothing that is sexually explicit, there is no nudity nor sex. Nothing in the advertisement is

exploitative nor degrading. The advertisement is not discriminatory nor vilifying of any member of the community. There only voice over is the words “Toy by Moschimo” which is the name of the product and hence we can only conclude that no language issues exist. In short it is almost impossible to see what the concerns of the complainant are; the advertisement is little more than a woman dancing wearing an unusual top. To deem this advertisement complaint worthy is to deem almost any broadcast material with a female dancing inappropriate for broadcast, which clearly it is not. We will gladly provide the Bureau with further detail as and when required, though given the nature of the advertisement and the nature of the complaint we would not expect that anything more is required to enable the Bureau to dismiss the complaint upon review.

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 showed a woman dancing in an overly sexualised manner.

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 the television advertisement depicted a woman wearing a black dress with teddy bears sewn around the top. The woman dances to music before removing the head of one of the teddies to reveal the perfume bottle.

The Board noted the advertisement had been given a W rating by CAD and this meant that it would be seen by a general audience which may include children.

The Board noted the depiction of the woman and the way she was dancing and considered that she was shown to be dancing in a fun manner which was not sexualised or inappropriate.

The Board noted the woman in the advertisement was fully clothed and considered that there was no reference to or suggestion of sex in the advertisement.

The Board noted that the focus in the advertisement on the strangeness of having teddy bears around the woman’s neck may attract the attention of children, but considered that the advertisement did not contain any suggestion of sex, sexuality or nudity which would be inappropriate for this audience.

Overall 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.

