



## Case Report

1	Case Number	0551/17
2	Advertiser	Paco Rabanne
3	Product	Toiletries
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	24/01/2018
6	DETERMINATION	Dismissed

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

The Advertisement shows a man walking into a bathroom, taking off his jacket and admiring his muscles in a one-way mirror. A group of women are shown standing behind the mirror also admiring the man. The man sprays himself with the advertised fragrance. When the man sprays his lower abdomen, the women faint.

### THE COMPLAINT

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

*It's degrading to men. It wouldn't be put on if it was the other way around and women being objectified. Double standards*

*Equality for both women and men, if it was a female doing this I am positive there would be multiple complaints. Just want equality !!!!*

*It was a group of women standing behind a two way mirror watching a man strip in the privacy of a bathroom and spray the fragrance on his torso the women were fighting to see him strip then it was suggested he was spraying his groin area when the women fainted behind the mirror. This is degrading to men if it was the other way around it wouldn't have been shown the advert is sexist and degrading to men*

## THE ADVERTISER'S RESPONSE

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

### *Relevant legislation and regulations*

*The relevant laws and standards relating to the Complaint are as follows:*

- 1. The AANA Advertiser Code of Ethics (Code); and*
- 2. The AANA Advertiser Code of Ethics (Practice Notes).*

### *Puig's position in response*

*As a preliminary issue, we note that the basis for the Complaint is stated to be the Complainant's personal "offence" and "political correctness", which do not appear to be proper considerations under section 2 of the Code.*

*In any event, Puig's response to section 2 of the Code is as follows:*

### *Section 2.4*

*The Complaint is made pursuant to Section 2.4 of the Code which states that:*

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

### *Section 2.4 of the Code*

*Puig's position is that the Advertisement does not breach Section 2.4 of the Code for the following reasons:*

- a. The product is a fragrance for men.*
- b. The relevant audience is mainly adult men, but also adult women who purchase fragrances for men (for example, husbands or boyfriends).*
- c. The Advertisement appeared on television, namely subscription television.*
- d. The women are fully clothed. The degree of chest and abdomen exposure of the man in the Advertisement is not atypical of what is seen at public beaches and swimming pools; all private areas are appropriately covered.*
- e. The man in the Advertisement is, at times, scantily clad but this is relevant to the product, as fragrances are applied to bare skin, not clothing.*
- f. The people in the Advertisement are clearly over 18 years of age.*
- g. The people in the Advertisement are not in a sexually explicit poses.*
- h. The man in the Advertisement is admired by the women for his handsomeness, but is not demeaned or depicted as a sexual "object".*
- i. In terms of the alleged "spying" on the man, the Advertisement is fantastical, highly stylised and occurs in a surreal or hyper-real environment, not based on any real life scenario. For example, the man wears a jacket, but no shirt, the women are wearing evening dresses (for no reason) and the bathroom features a library and artworks.*
- j. The tone of the Advertisement is humorous, not sexually explicit.*
- k. The Advertisement demonstrates that the fragrance is fit for purpose – that is, it makes you more attractive to the opposite sex.*
- l. Puig believes that the Advertisement complies with the Code and Practice Notes, is of highest artistic standards and is in line with the type of advertising campaigns used by many*

*companies today, particularly in the fragrance and cosmetics field.*

*As requested, Puig's position in relation to sections 2.1, 2.3 to 2.6 is also as follows -*

#### *Section 2.1*

*Section 2.1 of the Code states that:*

*"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."*

*The Practice Note provides the following guidance on the meaning of the term "discrimination" as "unfair or less favourable treatment" and "vilification" as "humiliates, intimidates, incites hatred, contempt or ridicule".*

#### *Section 2.1 of the Code*

*Puig's position is that the Advertisement does not breach Section 2.1 of the Code for the following reasons:*

- Portraying the man in the Advertisement as attractive does not constitute discrimination, reverse discrimination or vilification of men.*
- The overall impression of the Advertisement is not a negative impression of men, or women for that matter.*
- Puig repeats its arguments at paragraphs (a) to (l) above.*

#### *Section 2.2*

*Section 2.2 of the Code states that:*

*"2.2 Advertising or Marketing Communications should not employ sexual appeal in a manner that is exploitative and degrading or any individual or group of people".*

*The Practice Note provides the following guidance on the meaning of the following terms:*

*"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"; and "degrading" means lowering of character or quality a person or group of persons.*

*Puig's position is that the Advertisement does not breach Section 2.2 of the Code for the following reasons:*

- Whilst the man in the Advertisement is, at times, scantily clad, he is not exploited, debased or degraded.*
- Puig repeats its arguments at paragraphs (a) to (l) above.*

#### *Section 2.3*

*Section 2.3 of the Code states that:*

*"2.3 Advertising or Marketing Communications present or portray violence unless it is justifiable in the context of the product or service advertised".*

*Puig's position – No violence is portrayed in the Advertisement.*

#### *Section 2.5*

*Section 2.5 of the Code states that:*

*“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”.*

*Puig’s position – No strong or obscene language is used.*

*Section 2.6*

*Section 2.6 of the Code states that:*

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

*Puig’s position – No unhealthy or unsafe activities are depicted in the Advertisement.*

*With respect, Puig strongly believes that the Advertisement is in compliance with the Code. Puig therefore requests that the Complaint be dismissed.*

## **THE DETERMINATION**

The Advertising Standards Board (the “Board”) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the “Code”).

The Board noted the complainants’ concern that the advertisement is degrading to men and featured a man undressing.

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: (a) where images of Minors, or people who appear to be Minors, are used; or (b) in a manner which is exploitative and degrading of any individual or group of people.”

The Board noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:

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

Degrading – lowering in character or quality a person or group of people.”

The Board noted that in order to breach this Section of the Code the advertisement would need to be using sexual appeal in a manner that is considered both exploitative and degrading.

The Board considered the television advertisement featured a man undressing in front of a two way mirror. On the other side of the mirror there is a group of women admiring the man. The man sprays his lower abdomen with the advertised fragrance and the women faint.

The Board noted the complainants’ concerns that the advertisement was degrading toward the male.

The Board noted the advertiser’s response that is a fantastical, highly stylised scenario and is

not meant to represent a scene in real life.

The Board noted the humorous tone of the advertisement and considered that the advertisement was highly stylised and consistent with advertising for fragrance products.

The Board noted that it is not clear if the man is aware of the women on the other side of the mirror, however considered that the man acts in a way which suggests he is aware he is being watched.

The Board considered the man is not shown in a negative light and is depicted as confident and in control of the situation.

In the Board's view, the advertisement did not purposefully debase or lower in character the quality of the man and 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 that the man is shown undressing, but while the suggestion is that the man is naked he is only seen from the torso upwards.

The Board noted the advertiser's response which stated that perfume is a product that is meant to be applied to skin, not clothing, and it is therefore reasonable to depict the man's bare chest and torso.

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