



**Ad Standards** Community Panel  
PO Box 5110, Braddon ACT 2612  
P (02) 6173 1500 | F (02) 6262 9833

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Advertising Standards Bureau Limited  
ACN 084 452 666

## Case Report

<b>1</b>	<b>Case Number</b>	<b>0575/17</b>
<b>2</b>	<b>Advertiser</b>	<b>MECCA Brands Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>Beauty Salon</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Poster</b>
<b>5</b>	<b>Date of Determination</b>	<b>24/01/2018</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

The poster depicts a woman using the Frank Body product on her body. The accompanying text reads:"I see a hot, man in your future.

I sense he will come in to your life, soon.

He used to meet babes online, but now he's out in the real world.

It will start with a coffee date, like all good romances do.

He'll keep you on your toes with his dirty jokes.

But he'll work his smooth moves on you, too.

You'll spend a lot of time in the bathroom together. Naked.

You'll turn into one of those couples that posts photos all over Instagram,

#letsbefrank

He'll call you babe and you'll live happily ever after.

Without any pants on.

If you like what's in store get ready to pick him up."

### THE COMPLAINT

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



*Whereas the third person 'he'/'him' could be interpreted as 'the product' (=the coffee body scrub) most readers will most likely associate 'him' with a man.*

*The brand is very popular among teenage girls and, logically and by default, by pre-teen sisters who tag along to the shop.*

*The message a 13-year-old girl (like my daughter) gets from this advertisement is as follows:*

*I buy this product. I will be picked up by a man [who appears to struggle in forming meaningful real-life relationships]. He will make dirty jokes [=explicit sexual references] and I will like it. We will do things [sex?] in the bathroom. I am not required to develop any personal characteristics [such as critical thinking, independence, concern for others etc.] because I can rely on my body. I do not have to have any communication skills because my life consists of posting images [with him, naked??] on Instagram.*

*Whereas some of the messages are to be expected from advertising for cosmetics, I find the explicit nature ['spending time with him in the bathroom, naked', etc.] of this particular advertising totally inappropriate to young teenage girls.*

*I would really appreciate if you could inform me what the ASB's stand is on this type of advertising. In my opinion it breaches any code of ethics regarding the welfare of young teenage girls but I am not sure.*

*I'm looking forward to hearing from you soon.*

## **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 of 13 December 2017 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 an advertisement (advertisement) of MECCA Brands Pty Ltd (Mecca Brands).*

### *1. The advertisement*

#### *1.1. The advertisement was developed:*

*1.1.1. by a well known and reputable skincare company called SNDR Pty Ltd, trading as 'Frank Body' (Frank Body), in relation to its coffee-based skincare products; and*

*1.1.2. as a component of an isolated short-term advertising campaign at certain Mecca Maxima stores in relation to Frank Body products offered for sale by Mecca Brands Pty Ltd.*

*1.2. The Frank Body brand, with its 2 female founders, is widely recognised amongst*



*its large consumer following (primarily women of all demographics) for its down to earth and honest personality, with cheeky humour encouraging women to be confident, fearless and happy in their own skin, no matter what shape or size they are. One way it does this is by presenting exfoliation and skin care as a relaxing and fun part of life.*

*1.3. The Frank Body brand offers natural and easy to use products which has resulted in it becoming an online social phenomenon and garnering the wide support of women of all demographics. Frank Body is a brand marketed to successful working young adult women and older aged women who are users of digital social media platforms.*

*1.4. Mecca Brands does not use any advertising agency and / or media buyer in devising its advertising campaigns, including in relation to the advertisement. Given the products being promoted are Frank Body products, Frank Body was responsible throughout the entire creative process in designing, crafting and arranging the promotion, and providing the relevant imagery and information in relation to the products and their intended use, features and market.*

*1.5. Well known for its iconic coffee body scrub, the Frank Body brand describes its products as best for use while naked in the bathroom due to the messy nature of its use of ground coffee for body exfoliation. The advertisement refers readers to the development and success of Frank Body, from the time of its brand launch as purely an e-commerce business to its availability in stores and its extensive reputation on digital social media using the hashtag #letsbefrank as the brand is tagged by Frank Body customers who post photos of themselves using the product online. The brand story is presented in conjunction with a large image of a Frank Body product to direct and guide the reader in their interpretation and contextualisation of the story. Therefore, in this way, the reader does not interpret the story in any other context other than that which is presented by the advertisement and the products stand in its totality ie the evolution of the brand and the efficacy of Frank Body products.*

*1.6. The advertisement was presented:*

*1.6.1. exclusively in store; and*

*1.6.2. immediately next to Frank Body products (in terms of physical location), thereby specifically targeting users of its products or consumers interested in the Frank Body brand. The advertisement ends with the line 'if you like what's in store, get ready to pick him up.' This is intended and understood on the basis that the products are available in store, and consumers can physically pick up the product from the stand immediately beside which the advertisement is placed.*

*2. The complaint*

*In light of the foregoing background, context and creative intentions with respect to*



*brand imagery, we assert that the advertisement complied with section 2 of the Code in all respects. Accordingly, we respond to each clause in section 2 of the Code as follows:*

#### *2.1. Section 2.1: Portrayal of people*

*2.1.1. The language used did not 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.*

*2.1.2. The advertisement reflects the belief that all women should be able to feel comfortable and free to live their lives and express themselves in whatever way they see fit. This is a core value of our business and the advertisement definitely does not stray from this value. There is no suggestion that women should act in a particular manner or feel ashamed for what they desire or do. Indeed, the advertisement is expressed such that the final question of whether or not the circumstances described are actually attractive is up to the reader to decide since the advertisement ends on the phrase 'if you like what's in store, get ready to pick him up.'*

#### *2.2. Section 2.2: Exploitative and degrading*

*2.2.1. There is no reference to exploitative and/or degrading acts. The advertisement does not:*

*a. suggest in any way that the 'man' in the advertisement targets vulnerable women, is involved or engages in degrading behaviour; or*

*b. imply that any woman involved lacks willpower or has no bearing on whether or not to participate.*

#### *2.3. Section 2.3: Violence*

*Section 2.3 is not relevant as the advertisement clearly does not portray any violence or sexual violence.*

#### *2.4. Section 2.4: Sex, sexuality or nudity*

*2.4.1. We refer to the AANA Code of Ethics Practice Note (Practice Note) which states that 'advertisements which depict women or men scantily clad, are generally acceptable, if relevant to the product'. Frank Body products are fully intended to be used by massaging products into the skin while unclothed and naked in the privacy of a bathroom, specifically to avoid staining fabrics or surfaces or causing unnecessary mess from the ground coffee beans contained in the products. By using the exfoliating products and moisturising products on the skin, this will result in 'smooth' skin*



*following this 'dirty' process of exfoliation. Although Frank Body products are designed to be used when skin is bare due to its messy nature, the woman pictured in the advertisement is obscured and, in any case, wearing underwear and a bra to ensure modesty. The advertisement was not 'highly sexually suggestive' contrary to this section and did not:*

- a. describe, nor refer to any sexual act;*
- b. use 'explicit pornographic language'; and*
- c. contain 'explicit sexual depictions'.*

*2.4.2. The Practice Note also states 'images of women in bikinis are permitted, however, unacceptable images could include those where a woman (or man) is in a suggestively sexual pose, where underwear is being pulled up or down (by the model or another person).' In the advertisement, there is no full frontal nudity or imagery involving 'suggestively sexual pose[s]'. The image used is of a small part of the side of the torso of a woman who is wearing underwear (of natural and commonly worn tone). Neither the woman's behind nor front are visible. Further, the woman is not involved in any sexual pose and is merely demonstrating use of the products, where one of the products used is held by the model and clearly visible in the advertisement.*

### *2.5. Section 2.5: Language*

*The wording used, namely 'you'll spend a lot of time in the bathroom together. Naked' was appropriate in the circumstances, given that that is precisely the manner in which the product is to be used. There was no strong or obscene language used.*

### *2.6. Section 2.6: Health and safety*

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

## *3. Conclusion*

*3.1. MECCA Brands has a proven track record of supporting and respecting women for over 15 years. Mecca Brands has never been found to have breached the Code or any other ethical standard.*

*3.2. MECCA Brands 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 a number of high-profile charity and philanthropic organisations, including:*



*a. The Hunger Project (empowering women in developing countries to end world hunger through sustainable, women led strategies);*

*b. Mecca M-Power initiatives through the Foundation for Young Australians and Engineers without Borders Australia (supporting and encouraging women in education and entrepreneurial pursuits to empower women and girls striving to establish careers in traditionally male dominated industries);*

*c. the National Gallery of Victoria Foundation (providing assistance and support and promoting the work of Australian female artists); and*

*d. other such esteemed projects (see for example <http://mecca.com.au/the-mecca-community.html> and <http://thp.org.au/partnerships/>).*

*3.3. Mecca Brands is actively involved in organising and conducting various events and activities in conjunction with these charitable and philanthropic organisations. Additionally, Mecca Brands has made significant financial contributions to these organisations and continually strives to raise awareness and highlight the work of these organisations through its extensive national customer base both in store and online. Mecca Brands is a proudly owned and operated Australian family business and under no circumstances would MECCA Brands ever engage in an activity that it considered to be discriminatory against women.*

*3.4. As a final note and without any admission of liability, we wish to inform you that steps are being taken to remove the advertisement from stores and, in relation to the Mecca Maxima store in Westfield Shopping Centre Geelong, we confirm that the advertisement ceased on 20 December 2017 and is therefore no longer present in that store.*

## **THE DETERMINATION**

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

The Board noted the complainant’s concerns that the advertisement features sexual references which are inappropriate for an audience that would include children and teenagers.

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

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 poster advertisement features a woman using the advertiser's product on her body. The image is accompanied by text which includes the lines 'I see a hot man in your future', 'he'll keep you on your toes with his dirty jokes' and 'you'll spend a lot of time in the bathroom together. Naked'.

The Board noted that the advertising material appears on an in store poster and is visible to a broad audience that would include children.

The Board noted the complainant's concern that it is not clear that the 'he' the poster is referring to the product and instead is likely to give young girls the impression that this is what they should do in a relationship.

The Board noted that the advertisement is very text-heavy and would not be immediately attractive to children.

The Board noted the advertiser's response that the advertisement does not describe or refer to a sexual act and does not explicit sexual depictions.

The Board considered the advertisement was a humorous and light-hearted advertisement which describes how the product can be used.

The Board considered in the context of a depiction of a woman using the product, in the store where the product is sold, the advertisement is not overly sexualised and would be appropriate for the relevant broad audience which may include children.

The Board considered 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 complaint.

