



**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

1	<b>Case Number</b>	<b>0576/17</b>
2	<b>Advertiser</b>	<b>Southern Cross Austereo</b>
3	<b>Product</b>	<b>Beauty Salon</b>
4	<b>Type of Advertisement / media</b>	<b>Radio</b>
5	<b>Date of Determination</b>	<b>24/01/2018</b>
6	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.2 - Objectification Exploitative and degrading - women

## DESCRIPTION OF THE ADVERTISEMENT

A radio advertisement which features a description of the hair and beauty service provided by the advertiser including sound effects which include a 'wolf whistle' and an engine revving.

## THE COMPLAINT

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

*The objectification of women being thought of as attractive via their hair style is offensive to not only myself, but to women as a gender. I found it demeaning, sexist, offensive and also discriminatory for same-gender attracted listeners. The advertisement generally inferred that women were only attractive to men if they had nice hair*

## THE ADVERTISER'S RESPONSE

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



*We understand that the Complaint was made under section 2 of the AANA Code of Ethics (Code), specifically, section 2.2 (objectification, exploitative and degrading to a group of people - women). Section 2.2 of the Code sets out that:*

*Advertising or Marketing Communications shall 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.*

*We understand that the Complainant claims that the Advertisement breached section 2.2(b), by employing sexual appeal in a manner that was exploitative and degrading to women as a group.*

*It is our submission that the Advertisement does not breach section 2.2 for the following reasons.*

- According to its national website, Hairhouse Warehouse has over 140 salons across Australia and provides “a comprehensive range of professional haircare products from all the leading brands”, as well as offering salon, piercing and beauty services in store.<sup>1</sup> It is a well-known, visible and reputable brand around Australia. As women are the primary users of hair and beauty products, if the Advertisement had been intended to degrade or belittle women in any way, the Advertiser would be undermining its main target consumer market.*

- The Advertisement was broadcast on Hit 104.9 FM (The Border). According to the GfK Australia Survey #1 of 2017, of the average 43,500 people who tune into the station each week, 48% are aged between 18-39 years. The audience is also 61% female on average, with 69% of the audience aged between 10-39 years. The majority of the Hit 104.9 audience are therefore young females. Taking into account the target demographic of the station, we believe that the language used in the Advertisement would not be considered exploitative or degrading to women by the majority of the audience.*

- The Advertisement is clearly targeted at women as the second line of the script reads: “You know what I mean ladies.” It is our submission that the Advertisement was not designed to degrade, demean or exploit women in any way, but rather to focus on female empowerment. The Advertisement refers to the Advertiser’s hair products as providing “the power of good hair”<sup>2</sup>. The intention of the Advertisement is to empower the product users, causing women to feel good about themselves and providing confidence. This is shown in the following phrase of the Advertisement: “The power of hair is more than looking good, It’s feeling good. It’s confidence.”*



*The Complainant has objected to the focus on hairstyles as a function of female attraction. However, we submit that it is inevitable that the Advertisement refers to the themes of beauty, aesthetics and attraction purely by the nature of the products that are being advertised. The sole purpose of hair and beauty products is aesthetic. It is therefore our submission that the subject matter of the Advertisement touches on the issues of beauty and attraction, not in a derogatory or exploitative manner, but merely by the nature of the goods and services involved.*

- *The Complaint states that the Advertisement contained “lines of copy such as ‘Make the boys think you are really attractive with your long luscious locks’ and something about walking into a bar and making the boys stop in their tracks”. However, we note that none of those things was actually said in the Advertisement, and suggest that the Complainant may be mistaken. We further suggest that the Complainant’s reference to the Advertisement containing “cat-calls” is also mistaken.*

- *We submit that the tone and language of the Advertisement is neither exploitative nor derogatory, but more of light banter. The prevailing intention is one of female empowerment with tongue-in-cheek undertones provided by the choice of sound effects, rather than derogatory or exploitative language. In relation to the three sound effects played within the Advertisement, we submit the following.*

- *‘Wolf-whistle’:* We acknowledge that a wolf-whistle may be perceived as derogatory in certain contexts. However, we submit that, in this instance, the voiceover leading up to the sound effect does not suggest that the hair products will cause the women to be whistled at, but that it will make them feel good about themselves. This is illustrated in the wording leading up to the sound effect: “The kind of hair that makes you feel [wolf-whistle FX]” (emphasis added). The sound effect reflects the feelings of the women using the advertised products, not the feelings of those around them.

- *“Sparkles, Fairy Gliss”:* This sound effect is designed to provide a ‘magical’ sensation suggesting a positive and enjoyable feeling towards the hair products being advertised.

- *“Engine revving”:* This sound effect was selected to suggest excitement. We acknowledge that the words leading up to the sound effect (“The kind of hair that really gets the boys...”) were written to suggest that the hair resulting from the use of the Advertiser’s products will provide physical attraction and excitement. However, it is our submission that this is not suggestive of derogatory or demeaning attraction. The female hair-product users are in no way being exploited because of their hair or looks. It is not degrading; in fact the female voiceover is empowered and confident, “not just an object to be admired or flirted with”<sup>3</sup>.

- *A reasonable person would, in our view, appreciate that the Advertisement was*



*intended as light-hearted fun, and reflective of the professional hair products and beauty services that the Advertiser provides and that are targeted towards women.*

*See the ASB's determination in Case number 0015/12: Boyson Meat & Poultry. ASB Complaint 0576/17*

*For all of the above reasons, it is our submission that the Advertisement does not breach section 2.2 of the Code.*

#### *4. Other sections of the Code*

*We consider that the Advertisement does not raise any issues under the other sections of the Code. In particular, the Advertisement:*

- does not portray or depict material 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 (section 2.1);*
- does not employ sexual appeal in a manner which involves Minors (section 2.2(a));*
- does not present or portray violence (section 2.3);*
- does not present sex, sexuality or nudity (section 2.4);*
- does not employ strong or obscene language (section 2.5);*
- does not depict material contrary to Prevailing Community standards on health and safety (section 2.6); and*
- was clearly distinguishable as a message paid for by the Advertiser to promote its professional hair products and beauty services.*

#### *5. Conclusion*

*For the reasons set out above, we submit that the Complaint should 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 demeans women and implies that women are only attractive to men if they have good hair.

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

The Board considered section 2.1 of the Code which provides 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 Board noted the complainant’s concern that the advertisement is discriminatory to same-gender attracted listeners.

The Board considered that the use of a male/female attraction in the manner in the advertisement is not suggesting that same gender attraction is unacceptable or inappropriate, and does not give unfavourable treatment to same-gender attraction.

The Board considered that the advertisement did not breach section 2.1 of the Code.

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 noted that this radio advertisement features a description of the service provided by the advertiser including sound effects which include a ‘wolf whistle’ and an engine revving. The Board considered that these elements are a use of sexual appeal.

The Board considered that the advertisement is focussed on how the service provided would make women feel and uses a range of examples to demonstrate the feeling of having a nice hair do and then goes on to say that good hair can help women look good, feel good and be good for their confidence.

The Board noted that two of the examples – the wolf whistle and the motor revving – suggest that men will find the hair and woman attractive and the Board recognised that wolf whistles would in fact make some women not feel good about themselves.

The Board considered that the description is not debasing to women and does not



lower women in quality of character.

The Board recognised that the advertisement would not be considered acceptable by all members of the community but considered that the advertisement did not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.

The Board determined that the advertisement did not breach Section 2.2 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.

