



Case Report

1	Case Number	0578/17
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

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

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a man and woman taking turns dancing on the screen and interacting with golden objects.

THE COMPLAINT

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

Female model is shown nude unnecessarily whilst the male is fully dressed. She looks suprised as if her clothes were removed by someone else. This ad blatently sexist .

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 email attaching a complaint (Complaint) received in relation to Puig France, Societe par Actions Simpliffee's advertisement for the "PACO RABANNE One Million and Lady Million" fragrances (Advertisement). Case no. 0578/17

The Complaint

The Complaint relates to Puig’s 30 second TV commercial (TVC) for its PACO RABANNE One Million and Lady Million as aired at the time (7.35pm), date (30 November 2017), media (TV – free to air) and place (Channel 9) described in the Complaint.

Description of advertisement

The Advertisement shows a man (in a black suit) and a woman (in black pants and singlet) taking turns dancing on screen. The man and the woman start clicking their fingers, and a series of golden objects magically appear – the man bounces a golden ball or globe on his chest; numerous golden balls appear behind the woman; the woman moon walks on a golden floor; a golden car races around the man; the man opens his suit jacket and a golden lion leaps out; the lion races around the woman; the woman appears wearing a golden dress; the woman’s dress explodes into golden confetti. The woman reappears wearing her original black pants and singlet. The man and woman continue to dance on screen, both together and separately, with various golden objects around them. Music plays in the background and the voiceover at the end of the advertisement says “One Million. Lady Million. Fragrances by Paco Rabanne.”

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 this Complaint is, with respect, based on a misapprehension.

The Complaint states that the “female model is shown nude”. This is incorrect. The woman’s dress explodes into golden confetti. When this occurs, the woman appears to be wearing a flesh coloured leotard, with copious amount of golden confetti in front of, and around, her. At no time is the woman in the Advertisement nude.

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

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:

- a. The woman in the Advertisement is at all times clothed – either in black pants and singlet, a golden dress or a leotard.*
- b. She is not exploited, debased or degraded. To the contrary, the woman and man take turns appearing on screen and are given almost equal screen time in a series of shots where the woman is shown to have exactly the same powers as the man – that is, a series of opulent, golden objects magically appear when the man or woman click their fingers.*
- c. The products advertised in the Advertisement are fragrances for men and women.*
- d. The relevant audience is men and women.*
- e. The people in the Advertisement are clearly over 18 years of age.*
- f. Whilst the woman in the Advertisement does appear at limited times in a leotard – when her dress explodes into golden confetti – at no stage is the woman nude. That is, when her dress explodes into golden confetti, the woman is wearing a flesh coloured leotard, and there is copious amounts of golden confetti in front of, and around, her.*
- g. The people in the Advertisement are not in sexually explicit poses.*
- h. The people in the Advertisement are not demeaned or depicted as sexual “objects”. To the contrary, the woman dances playfully, displays confidence and charisma, even moon walking across the screen.*
- i. The Advertisement is fantastical, implausible and occurs in a surreal or magical environment, not based on any real life scenario. For example, a series of golden objects magically appear on the screen – first, the man opens his suit jacket and a golden lion leaps out, the man bounces a golden ball or globe on his chest, a golden car races around the man, and the woman’s dress explodes into golden confetti.*
- j. The tone of the Advertisement is playful, fun and carefree, not sexually explicit.*
- k. The Advertisement reflects the personality of the One Million and Lady Million fragrances – that is, bold, charismatic, carefree, extravagant and fabulous.*
- l. Puig believes that the Advertisement complies with the Code and Practice Notes, is of highest artistic standards, meets and exceeds Prevailing Community Standards and is in line with the type of advertising campaigns used by many companies today, particularly in the fragrance and cosmetics field.*

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:

- *Puig repeats paragraphs (c) to (l) above*

As requested, Puig’s position in relation to sections 2.1, 2.3, 2.5 and 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 people in the Advertisement as attractive does not constitute discrimination, or vilification of women or men.*
- *The overall impression of the Advertisement is not a negative impression of women, or men.*
- *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 complainant’s concern that the advertisement depicts a women nude unnecessarily while a male is fully dressed.

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 and woman taking turns dancing on the screen and interacting with golden objects. The Board considered that the advertisement is highly stylised and that the golden motif flows through the ad. In particular

the Board noted a brief scene where the woman appears to be wearing a golden dress which disappears into golden confetti. The woman is then shown in her original outfit of black pants and a singlet.

The Board noted the complainants' concerns that the advertisement depicted a naked woman with a fully clothed man and that the woman looks surprised at having her clothes removed.

The Board noted the advertiser's response that at no time was the woman nude, she is seen wearing a flesh coloured leotard and covered by golden confetti and that the woman and man are shown as equal in the advertisement. The Board noted that the man's outfit did not change throughout the advertisement and that some members of the community might consider it degrading for the woman to be shown in various outfits and the man not to be.

The Board considered the woman in the advertisement was depicted as strong and confident and that despite the different treatment between the man and the woman, the woman was not depicted in a manner that was exploitative or was degrading.

In the Board's view, the advertisement did not purposefully debase or lower in character the quality of the woman 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 the advertisement had been given a 'G' rating by CAD and was aired at a time appropriate to the rating (http://www.freetv.com.au/media/CAD/Placement_Codes.pdf).

The Board noted that the complainant's concern that the advertisement depicts a woman who is nude unnecessarily.

The Board noted the advertiser's response that at no time was the woman nude, she is seen wearing a flesh coloured leotard and covered by golden confetti. In particular the Board considered the scene where the woman's dress turns into confetti and considered that this scene is highly-stylised in keeping with the tone of the advertisement, and that the depiction of the woman is not overly sexualised.

The Board considered that at no time does the woman appear naked on the screen and at most nudity is suggested.

The Board considered that the tone of the advertisement is not sexual and that the advertisement was not inappropriate for a broad audience which may include children.

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 complaint.

