



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0588/16</b>
<b>2</b>	<b>Advertiser</b>	<b>Coca-Cola South Pacific</b>
<b>3</b>	<b>Product</b>	<b>Food and Beverages</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Billboard</b>
<b>5</b>	<b>Date of Determination</b>	<b>18/01/2017</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

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

## DESCRIPTION OF THE ADVERTISEMENT

This billboard advertisement features a black and white cropped photographic image of global brand ambassador Ms Jennifer Aniston lying beside a bottle of Glaceau smartwater®, set against a blue background with white clouds. The image of Ms Aniston is positioned on the right hand side of the advertisement and she is shown topless, positioned so that her arm and other hand are covering her breasts. She is wearing a white towel or sheet. The left hand side of the advertisement contains a picture of the water bottle alongside the tagline “smart, because it’s made that way”. The product description is also included, which reads: “cloud inspired, vapour distilled mineralised water”.

## THE COMPLAINT

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

*In an age where women and girls have enough body image issues, I find it offensive and tasteless to display this type of advertising, irrespective of what is being sold. It is unnecessary to have a half naked woman be the champion for a brand, sending the message that by drinking the water you will look like her. I understand it was late at night, I can only hope this ad does not appear during the daytime.*

## **THE ADVERTISER'S RESPONSE**

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

### *A description of the Brand*

*Glaceau smartwater® is a premium still water product, launched to the Australian market in February 2016.*

*Inspired by the natural water cycle, Glaceau smartwater® uses the unique vapour distillation process to create pure water with the addition of minerals to provide a clean, crisp taste, ideal for those who live an active lifestyle.*

### *A description of the Advertisement*

*The Advertisement referenced in the complaint features a black and white cropped photographic image of global brand ambassador Ms Jennifer Aniston lying beside a bottle of Glaceau smartwater®, set against a vibrant sky-blue background with white clouds. The image of Ms Aniston is positioned on the right hand side of the Advertisement and occupies approximately one third of the surface area of the Advertisement. Ms Aniston is turning to face the camera, with her torso facing downwards. Although the front of Ms Aniston's torso is not visible, she is topless. Her right hand entirely conceals all visible images of her left breast. The left hand side of the Advertisement contains a cropped product packshot alongside the tagline "smart, because it's made that way". The product description is also included, which reads: "cloud inspired, vapour distilled mineralised water".*

*The billboard is a static digital billboard which will permanently feature the Advertisement (during daytime and in the evening) for the duration of the outdoor campaign in selected Metropolitan locations, which will cease nationwide at the end of February 2017.*

### *Comprehensive comments in relation to the complaint*

*The complaint raises potential objectification issues under section 2.2 of the Australian Association of National Advertisers Code of Ethics (Code) which provides that:*

*2.2: Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people;*

*It also raises potential treatment of sexuality and sex issues under section 2.4 of the Code with provides:*

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

*CCSP acknowledges that in addition to the above, the ASB will review the advertising against the entirety of section 2 of the Code including discrimination and vilification (2.1), violence (2.3), obscene language (2.5) and health and safety (2.6), with due regard given to the Prevailing Community Standards.*

### *Section 2.2 Comments*

*The image of Ms Aniston has been thoughtfully and deliberately crafted to achieve a tasteful artistic image which could not reasonably be considered to employ sexual appeal in a manner which is exploitative and/or degrading of any individual or group of people – be it with regard to Ms Aniston as an individual artist or against females of any age more generally.*

*The ASB’s Practice Note in respect of this section of the Code states that not all images of a “scantily clad” person or persons will be unacceptable under Section 2.2 of the Code, unless such images are exploitative or degrading.*

*There is nothing in the portrayal of Ms Aniston or the accompanying copy which intentionally or unintentionally seeks to “debase or abuse a person, or group of person, for the enjoyment of others” (ASB Practice Note) or lowers in “character or quality a person or group of persons” in support of a claim that the Advertisement is exploitative or degrading. Protecting and promoting the professional reputation of the artists (both male and female) we engage to feature in our advertisements is of paramount importance to CCSP and we would never seek to undermine this commitment.*

*The portrayal of Ms Aniston in the Advertisement is no exception.*

#### *Section 2.4 Comments*

*The Advertisement treats nudity with sensitivity to the relevant audience. Ms Aniston’s aesthetic appeal as it appears in the Advertisement is not employed in a way which is explicit, sexually suggestive or inappropriate for the audience in contravention of Section 2.4 of the Code. Great care has been taken to ensure that Ms Aniston’s integrity and modesty is maintained, achieved through a combination of deliberate discreet artistic posing and appropriate coverage of any areas of Ms Aniston’s torso which could elevate the sexual appeal of the image to a level which could contravene the Code. It is our firm view that the photograph of Ms Aniston is tasteful, artistic, modern and fresh which clearly mirrors the overall positioning of Glaceau smartwater® as a premium bottled water product for Australian consumers.*

*Furthermore, the Advertisement does not seek to make any claims (whether express or implied) with regard to a direct link between consumption of Glaceau smartwater® and the attainment of a physique which resembles that of Ms Aniston.*

#### *Section 2 comments generally*

*CCSP notes that the provisions in section 2 of the Code are subject to Prevailing Community Standards, as determined by the ASB. CCSP acknowledges that the campaign does leverage the aesthetic appeal of Ms Aniston. However, it is employed in a way that we believe is entirely in line with what the relevant audience would expect from:*

*(a) Ms Aniston as a very recognisable film and television personality and ambassador of several premium lifestyle brands; and*

*(b) any image of an Australian public beach, for example, which features in advertising during the summer months of an outdoor campaign.*

*In relation to the other parts of section 2 of the Code, we submit that the Advertisement does not feature imagery or copy which contains or could reasonably be determined to contain discrimination or vilification, violence, obscene language or material which is contrary to community health and safety standards.*

### *Summary*

*As outlined in this letter, it is CCSP's view that the Glaceau smartwater® Advertisement complies with all elements of the Code. CCSP takes its obligations in relation to responsible advertising seriously. We consider that when assessed against the relevant regulatory standards for objectification, exploitation and sexualisation together with Prevailing Community Standards in relation to the matters generally addressed under section 2 of the Code, the Advertisement does not breach the Code.*

*We are very happy to answer any further questions you may have and please let us know if you need more information.*

## **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 depicts an image of a half-naked woman which is offensive and tasteless.

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 in a manner which is exploitative and degrading of any individual or group of people."

The Board noted that this billboard advertisement features an image of Jennifer Aniston lying on her stomach: Jennifer is naked from the waist up and is resting on her left arm with her right hand shielding her breasts.

The Board noted that in order to be in breach of this section of the Code the image would need to use sexual appeal in a manner that is both exploitative and degrading.

The Board noted the Practice Note for Section 2.2 which provides the following definitions:

- "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;
- Degrading means lowering in character or quality a person or group of persons."

The Board noted that Jennifer is naked from the waist up and considered that while there is

only a tenuous link between the tagline of “made that way” and the use of a naked woman who was born that way, in the Board’s view it is not uncommon to use nudity, both male and female, in advertising and in this instance the use of a famous actress baring her skin is not exploitative. The Board noted Jennifer’s pose and considered she is not presented in a manner which is degrading to either her or to women in general.

The Board considered that the advertisement did not employ sexual appeal in a manner which is exploitative and degrading to any individual or group of people.

The Board determined that the advertisement 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 Jennifer has a towel covering the lower half of her body and considered that the placement of her arm and hand sufficiently covers her naked breasts and the level of nudity is not explicit and in the Board’s view the inclusion of nudity does not of itself amount to sexualisation. The Board noted Jennifer’s pose and considered that she is not depicted in a sexualised manner and overall there is no sexual suggestion in the advertisement.

Consistent with previous determinations for similar advertisements in cases 0336/13, 0535/14 and 0430/15, the Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which would include children.

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.