



CASE REPORT

1. Complaint reference number	134/09
2. Advertiser	Colgate Palmolive
3. Product	Cuddly Fabric Softener
4. Type of advertisement	TV
5. Nature of complaint	Other - Social values
6. Date of determination	Wednesday, 8 April 2009
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement for Cuddly Fabric Softener shows a series of young children thanking their mothers for using the fabric softener. The children's words are shown in print at the bottom of the screen.

THE COMPLAINT

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

Children's adverts anytime. Cuddly advert using children – why use children under age? Cuddly advert using a child not speaking properly – not talking properly. You ought to be ashamed of themselves or fined.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

We understand that the Complaint relates to a television commercial for Cuddly Ultra Fabric Softener (copy of advertisement and script for advertisement provided electronically with this letter). The nature of that complaint relates to section 2 of the Australian Association of National Advertisers ("AANA") Advertiser Code of Ethics ("the Code").

The advertisement depicts a series of young toddlers thanking their mother for various things, including making clothes cuddly, making their blanket soft again, always having a cuddly robe ready and making sheets smell like their mother. As the children are toddlers and have not learnt to speak clearly yet, there are subtitles to explain their mumbled "toddler talk. Throughout the commercial there are shots of Cuddly being used in a laundry and the Cuddly bottle is depicted in the final shot, with the phrase

"Thanks for making everything Cuddly". The overall impression is that the use of Cuddly is well-liked and effective in making fabrics soft and well-scented.

We have considered the Complaint thoroughly and do not believe that there is any basis for the Complaint having regard to section 2 of the Code or otherwise. The Complaint relates to using children in an advertisement, and that they are not speaking properly. The concept in the advertisement of featuring children who have not yet learnt to speak properly is an inoffensive, amusing and "cute" way to advertise the Cuddly fabric softener brand. Using the mumbled speech of toddlers and subtitles is an inventive method of conveying the Cuddly message which is directed to, and would appeal to, adults.

Application of the Code

We do not consider that there is anything in the advertisement which could breach section 2 of the Code. We set out our specific responses to each part of section 2 of the Code as follows.

Section 2.1

The advertisement does not breach section 2.1 of the Code as the advertisement does 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, sex, age, sexual preference, religion, disability or political belief. There is clearly no discrimination or vilification in this advertisement.

Sections 2.2 and 2.3

The advertisement does not breach section 2.2 of the Code, due to there being no violence in the advertisement. As there is no reference to sex, sexuality or nudity, section 2.3 of the Code is not breached.

Section 2.4

In terms of section 2.4 of the Code, we do not consider that this section of the Code is relevant to the advertisement as the AANA Code for Advertising & Marketing Communications to Children ("Code for Advertising to Children") does not apply to this advertisement. This advertisement could not be considered Advertising or Marketing Communications to Children, as defined under section 1 of the Code for Advertising to Children. Having regard to the theme, visuals and language used, this

advertisement is clearly directed at adults, as a way to advertise a fabric softener product. It appeals to adults by emphasising the benefits of using fabric softeners in the washing routine, in terms of softer clothes, blankets, robes and sheets and uses the youngest member of the family as an engaging and creative way to portray this message. Fabric softeners are clearly goods which are targeted towards and have sole appeal to those responsible for the washing in households, namely adults. Accordingly, we do not believe that the Code for Advertising to Children is relevant to this advertisement and therefore, there is no breach of section 2.4 of the Code.

Sections 2.5 and 2.6

The language used in the advertisement could not be considered inappropriate, strong or obscene, in breach of section 2.5 of the Code. There is nothing in the advertisement that could contravene the Prevailing Community Standard on health and safety and breach section 2.6 of the Code. The fabric softener product being advertised is not relevant to the section 2.7 of the Code (advertising for motor vehicles) or section 2.8 of the Code (advertising for food or beverage products).

In summary, having considered this matter in detail, Colgate believes that the advertisement does not breach the Code.

We trust that the above fully addresses the issues raised in the Complaint.

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 about the depiction of young children in the advertisement.

The Board noted that the use of children in advertising is the subject of guidelines relating to the employment of children and that this was not a matter within the Board's jurisdiction.

The Board considered that the advertisement consisted of a series of situations in which young children were depicted in a manner that was acceptable, clearly intended to be cute and which did not depict the children in a compromising or inappropriate manner.

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