



CASE REPORT

1. Complaint reference number	189/08
2. Advertiser	Kimberly-Clark Australia Pty Ltd
3. Product	Toiletries
4. Type of advertisement	TV
5. Nature of complaint	Discrimination or vilification Gender - section 2.1
6. Date of determination	Wednesday, 11 June 2008
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

The advertisement opens in a steamy bathroom. The camera pans from left to right showing a mirror, the hand basin and a towel rack. We hear background music and running water as if someone is in the shower. The shower is turned off and we come across the towel rack just as a white Ultrathin is pulled off the towel rack and disappears off screen. The camera pans along and a beaver is shown drying itself with a U Ultrathin Pad.

A female voice over states: U ultra-absorbent Ultrathins for the ultimate care down there. Cut to a close-up of a pack of U Ultrathins sitting on some fluffy towels and text on screen 'For the ultimate care down there'.

THE COMPLAINT

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

The use of animal analogies (beaver) for female genitalia in a public context, like a broadcast advertisement, is derogatory and offensive. Such innuendo may be acceptable between friends in a private setting, however in it is derogatory and highly offensive in a broadcast commercial.

I object to this advertisement on the basis that it implicitly states women refer to their vagina's as beavers. Beaver is a derogatory term that is highly offensive to any but the most juvenile of women. I have read your judgement of the other 'beaver' ad, showing women taking their beavers through a so-called normal day. I am horrified and disgusted that not only did this campaign make it to television in the first place, but that the numerous complaints made and content of those complaints has not succeeded in removing it from air.

I feel the advert is in bad taste. I feel disappointed that the portrayal of women's menstrual cycles is treated in a demeaning, childish and masculine fashion. The use of the 'beaver' reference is overtly masculine as most women would not use to describe any part of their body. In addition the reference and tone of the advertisement is childish and thus demeaning to women. The advertisement does not adequately represent what the product is for- sanitary pads are not for towelling down, they are for menstrual cycles.

I object to this ad due the fact that I find it personally lewd, and affront to women who take pride in themselves and their genitals. Having the female anatomy depicted as a behaviour is not appropriate, and I'm sure men would object if there was an ad depicting their genitals as block and tackle, for example.

THE ADVERTISER'S RESPONSE

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

Generally the complaints variously object to or find the TVC:

- *Derogatory*
- *Offensive*
- *Inappropriate*
- *Lewd*
- *Demeaning*
- *Poor taste*

In addition in some instances the complainants have sought to debate the merits of an earlier decision of the Advertising Standards Board reference 95/08.

*The only words spoken in the TVC are in the voice over which reads:
“U ultra-absorbent Ultrathins.
For the ultimate care down there.”*

*Also at the end of the TVC the following Super appears:
“For the ultimate care down there.”*

The TVC is intended to demonstrate the absorbent quality/use of the product in an amusing and playful way by continuing the beaver analogy which was introduced in the first TVC in this campaign. The complaints concerning the first TVC were considered by the Board and dismissed in its Determination dated 9 April 2008 reference 95/08.

In that Determination the Board noted that the Australian Macquarie Dictionary did not define “beaver” as a derogatory term. The Board also noted that it did not believe the word “beaver” was a derogatory term and agreed that the majority of the Australian community would be of the same belief.

In addition, the Board found that the use of a “beaver” in the TVC was playful and that it was an acceptable euphemism as it was relevant to the target audience (young women between the ages of 18 and 24).

The Board also noted that the TVC was a progressive way to advertise fem-care products given that it is a difficult product to advertise because the use of the product cannot be shown in a realistic way.

We submit that the Board’s findings in relation to the original TVC apply equally to the current TVC and accordingly the complaints should be dismissed because they raise the same issues as were raised by the complaints about the first TVC reference 95/08.

Considering the TVC with reference to the various Sections of the AANA Advertiser Code of Ethics we submit as follows:

Section 2.1 - Advertisements 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, sex, age, sexual preference, religion, disability or political belief.

There is no portrayal of people or depiction of material which discriminates against a section of the community (women) on account of sex.

The TVC advertises a product that is of use to women during their menstrual cycle.

Section 2.2 - Advertisements shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

There is no violence portrayed in the TVC.

Section 2.3 - Advertisements shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone.

The TVC does not deal with sex, sexuality or nudity. If menstruation/vaginal care is regarded by some as sexuality, which we dispute, we submit the TVC is sensitive to the relevant audience and given the classification of the TVC, M, to the relevant time zone.

Section 2.4 - Advertisements which, having regard to the theme, visuals and language used, are directed primarily to children aged 14 years or younger and are for goods, services and facilities which are targeted toward and have principal appeal to children, shall comply with the AANA's Code of Advertising to Children and section 2.6 of this Code shall not apply to advertisements to which AANA's Code of Advertising to Children applies.

The TVC is not directed to children aged 14 years or young. Indeed it has been given an "M" rating.

Section 2.5 - Advertisements shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided.

As discussed above there is minimal language in the TVC and that language is neither strong nor obscene.

Section 2.6 - Advertisements shall not depict material contrary to prevailing community standards on health and safety.

The TVC does not depict material contrary to prevailing community standards on health and safety.

The TVC deals with neither health nor safety.

Section 2.7 - Advertisements for motor vehicles shall comply with the Federal Chamber of Automotive Industries Code of Practice relating to Advertising for Motor Vehicles and section 2.6 of this Code shall not apply to advertisements to which the Federal Chamber of Automotive Industries Code of Practice applies.

The TVC does not advertise motor vehicles.

Section 2.8 - Advertisements for food and beverage products shall comply with the AANA Food & Beverages Marketing Communications Code (once promulgated) as well as to the provisions of this Advertiser Code of Ethics.

The TVC does not advertise food or beverage product.

We believe that the TVC complies with the AANA Advertiser Code of Ethics.

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 complainants' concerns and considered the advertisement under Section 2.1 of the Code which deals with discrimination and Section 2.3 of the Code which relates to sex, sexuality and nudity.

The Board viewed the television advertisement and noted that it is the second in a series featuring the same beaver.

The Board referred to their previous decision (ref 95/08) which stated:

...while a beaver appeared in the advertisement the word beaver was not used at any time during the commercial.

The Board considered that it was irrelevant that the word beaver was not actually used as it was clearly implied throughout the commercial with the image of the beaver.

The Board referred to the Australian Macquarie Dictionary (4th Edition) for the definition of the word beaver. The dictionary states: Chiefly US Colloquial: the vagina and external female genitalia.

The Board noted that the dictionary did not define beaver as a derogatory term. They further noted their belief that the word beaver was not a derogatory term and agreed that this belief would also

be held by the majority of the Australian community.

The Board further considered that the use of beaver in the commercial was playful and that it was an acceptable euphemism as it was relevant to the target audience.

The Board did not consider that it was a term that would be understood or attractive to those outside the target audience as it required pre-existing knowledge of the term to understand the joke contained in the advertisement.

While Board members acknowledged that some viewers may be offended by the implied connection between a beaver and female genitalia they did not believe that the majority of viewers watching in the M time zone or the intended audience would find this offensive.

The Board noted that this was a progressive way to advertise fem-care products. They considered that this is a difficult product to advertise as the advertiser cannot show the use of the product in a realistic way. The Board further noted its belief that this advertisement was a very sensitive approach to women's needs and its aim was to promote brand loyalty in the target audience through a sense of fun.

The Board also considered that the use of this type of image in an advertisement always has the potential to polarise the community and that for each person who was offended by the beaver there would be another person who was not.

The Board further noted that this polarisation was evident amongst its members during the determination of this complaint and that the decision to dismiss the complaint was the result of a narrow majority.

However, on balance, the Board determined that the advertisement did not breach Section 2.1 and 2.3 of the Code.

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