



CASE REPORT

1. Complaint reference number	270/08
2. Advertiser	Essential Beauty
3. Product	Other
4. Type of advertisement	TV
5. Nature of complaint	Portrayal of sex/sexuality/nudity – section 2.3
6. Date of determination	Wednesday, 13 August 2008
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement begins with a male voice over announcing "The following commercial for Essential Beauty is so spicy, we've replaced certain words with...a spice." In the ensuing female voice over, certain words are replaced by the word "chilli". The female relates "Why did I get permanent hair reduction from Essential Beauty? Honestly? For the chilli. Awesome chilli. Really, hot chilli. It makes my boyfriend so chilli when he sees my nice smooth chilli and I can wear anything I want. So spice up your chilli, get permanent hair reduction from Essential Beauty. Hot chilli." Each time the word "chilli is mentioned, a shot of a chilli is shown on screen.

THE COMPLAINT

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

Its about as subtle as a sledgehammer its disgusting its tacky and cheap and if your service was that good you wouldn't need to have sex as part of it. its beauty for gods sake.. unless only hookers use their business

THE ADVERTISER'S RESPONSE

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

With respect to the complaint, I have copied the nature thereof from your initial email worded thus: The complainant has described the advertisement as including the words "ooh my chillis so hot...".

I have reviewed the television scripts for these words namely, "ooh my chillis so hot..." and I cannot find them anywhere in the scripts written in this precise manner.

Further, the complainant goes on to state the reason for concern is: its about as subtle as a sledgehammer its disgusting its tacky n cheap n if ur service was that good u wouldn't need to have sex as part of it. its beauty for gods sake.. unless only hookers use their business (sic)

Our response to the reason for concern is that the complainant is judging the advertisement by her own standards applying a personal viewpoint. This is noted throughout the paragraph.

Moreover, we are certainly not in the business of offending people as we want to grow our business. However, people are entitled to their opinion and we feel that the nature of the complaint is based on a personal viewpoint not a societal or general public view point. In our experience most people have found the ad to be quirky with tongue planted firmly in cheek.

We look forward to the comments of the board.

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 that the advertisement was advertising sex and reviewed it under section 2.3 of the Code which deals with the portrayal of sex, sexuality and nudity.

The Board viewed the television advertisement and noted that many words had been replaced with the word "chilli".

The Board did not consider that the advertisement was promoting sex or sexual activity and that the use of the word "chilli" did not constitute an inappropriate sexual reference.

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