



CASE REPORT

1. Complaint reference number	370/08
2. Advertiser	Kimberly-Clark Aust 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, 8 October 2008
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens in a bedroom. Some brightly coloured objects fly past the screen. The next scene shows a growing pile of g-strings and briefs. The camera moves along to show who is creating the mess and a beaver is shown standing in the middle of the bed. It holds up a pair of g-strings and full briefs. A voice over says: "With U convertible liners you've got both covered." The advertisement cuts to a pack of U Liners on the bed then ends with a caption on the screen: "For ultimate care down there".

THE COMPLAINT

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

As with other ads run by this company, I have an objection to the portrayal of the female genital area. I find it offensive that they are using very slang and negative terms to advertise a necessary female product.

THE ADVERTISER'S RESPONSE

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

The TVC is intended to inform prospective purchasers in the target audience of one of the benefits of the advertised liner product namely that it can be used with both briefs and g-string underwear.

The TVC again uses the beaver analogy in an amusing and playful way. This analogy is central to this advertising campaign and is well understood by the target audience.

Complaints have been received in relation to the previous TVCs in this campaign (Complaint Reference Numbers 95/08 and 189/08). The Board dismissed both these complaints.

In the first Determination (Complaint Reference Number 95/08) 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 earlier TVCs apply equally to the current TVC. We also submit that the latest complaint raises issues which have already been considered by the Board in earlier decisions, which determined the relevant TVCs did not breach Section 2 of the AANA Advertiser Code of Ethics. Accordingly we request that the current complaint be dismissed.

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

- *Section 2.1 - 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 - There is no violence portrayed in the TVC.*
- *Section 2.3 - 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 - The TVC is not directed to children aged 14 years or younger. Indeed it has been given an "M" rating.*
- *Section 2.5 - As discussed above there is minimal language in the TVC and that language is neither strong nor obscene.*
- *Section 2.6 - The TVC does not depict material contrary to prevailing community standards on health and safety. The TVC deals with neither health nor safety.*

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 application of Sections 2.1 and 2.3, relating to discrimination and sex, sexuality and nudity.

The Board noted that the advertisement makes no literal or verbatim reference to the word "beaver", although a beaver character is depicted so that the beaver analogy is clearly implied.

The Board noted that it had considered similar advertisements within the same series. The Board considered that it did not regard the word "beaver", used colloquially as a reference to the female genitalia mainly in the United States, to be a derogatory term. The Board considered that the majority of the Australian community would also regard the term in a similar manner.

The Board also considered that the advertisement uses the depiction of a beaver in a playful way and that it was an acceptable euphemism 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 underlying 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 of the advertisement in an M time zone or the intended audience would find this offensive.

The Board reiterated its comments about a similar advertisement by the advertiser, that the 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 therefore found no breach of Sections 2.1 or 2.3 of the Code.

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