



CASE REPORT

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| 1. Complaint reference number | 392/09 |
| 2. Advertiser | Unilever (Rexona) |
| 3. Product | Toiletries |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Discrimination or vilification Race – section 2.1
Violence Other – section 2.2 |
| 6. Date of determination | Wednesday, 9 September 2009 |
| 7. DETERMINATION | Upheld – discontinued or modified |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts a black man and a white man. The white man is tied up and sitting in the garbage compactor, his mouth is gagged. The white man looks (as if to laugh) at the black man, who has white deodorant marks on his top near his armpits. The black man gets the white man back by pressing the 'go' button on the compressor. No blood or gore is depicted, however we are left with the impression that the man will not be able to escape from being crushed.

THE COMPLAINT

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

Although not explicitly violent, the intent is clear and distressed me. My 8 year old daughter asked me what was happening-I found it difficult to explain it because I was traumatized myself. I don't think advertisement should show forms of or methods of violence that promote violence for such a small issue .

After viewing said promo, I found it to be rather insulting and basically racist against myself and others of European heritage. I fail to see how a man of obvious non-European appearance can be stuffing an individual of obvious European appearance into a garbage crusher can not be racist and degrading. It is obvious that this is the message intended as the casting has been done in such a way. To add weight to this fact, the tag-line goes on to say "no white spots".

I wish to complain about a commercial I saw during Law & Order UK on Tuesday night at 9.30pm. The Rexona commercial showing a man in a hole, bound and gagged and then being killed by a machine that squashes him is disgusting! Rexona represents the value of its product over the value of human life by attaching comedy of death.

I am disappointed that channel 10 did not have the social sense of judgment to discern that this commercial is tasteless and negative. I ask that you remove this commercial entirely from your station and that you confirm with me when this has happened.

It saddens and frightens me that this needs explaining.

People all over Melbourne are addicted to violence and killing and bashing, torturing, victimizing, and the papers and the idiotic media are crying to stop the violence and then the television goes and uses a grotesque form of torture and death to advertise deodorant!!!!!!!!!!!!!!

What the hell is wrong with you if this needs pointing out? Why would this ad make it to air? What is wrong in the minds of our community to even think up this idea let alone send it to air.. my six year old caught sight of it at 8:05pm on his way to bed two nights ago and asked why the man was killing the other man...What the hell is wrong with you people? What should I tell my son? God there are so many things I have to say about this but it scares me that I live in a society where only

one person can see it. Seriously, you people are doing a crap job and should be fired and have some people with some form of higher intelligence put in your place. I realise you didn't make the ad, but you allow it and that's just as bad!

THE ADVERTISER'S RESPONSE

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

Thank you for the opportunity to respond to the complaint made in relation to the Rexona Invisible Ice Television Commercial (the "TVC").

Our comments in relation to the complaint are outlined below.

As requested, the CAD reference number is PQOS9TCF

We note that the ASB is considering the TVC in relation to issues that fall under Section 2.1, 2.2 and 2.6 of the Advertiser Code of Ethics. For the reasons outlined below, we do not consider that the Commercial is in breach of Section 2.1, 2.2 or 2.6 of the Code.

Overview

Rexona is a brand with a history of fun, playful and tongue in cheek advertising. Rexona has a proud history of excellent award winning advertising that both entertains and surprises consumers. We respectfully submit that the TVC continues this tradition by parodying the 1970s films that featured the fictional character Shaft, a New York private detective of African American heritage.

CAD provided the TVC with a "PG" rating requiring parental guidance and care when placing in cartoon and other child appeal programs. The TV media buying is targeted at the adult male audience (16-39) and as such the spot placements are amongst programming that is targeted at its intended audience such as "Dexter", "NCIS", "Rush" and weekly "AFL". The humour and content of the TVC is consistent within the context of this programming, in particular the crime show genre.

Section 2.1 Advertisements shall not present or portray discrimination or vilification based on Race.

We submit that the TVC does not depict material contrary to the Standards on Racial Discrimination as stated in Section 2.1. In the context outlined above, we believe the depiction of the characters in this TVC would clearly be understood by reasonable viewers as being a parody of the 1970s series of films which featured an African American protagonist named Shaft.

By way of background, the character of Shaft was a New York private detective who was often given the job of solving crimes that could not be solved by the police. The plots of the Shaft films often involved Shaft doling out justice to criminals of various ethnic backgrounds. The TVC parodies such a situation. The fact that one man is of African origin and the other is of European/Caucasian background is incidental to the premise of the TVC. It was not the intention of Unilever to portray discrimination or vilification based on race through the advertising of the product, Rexona.

In the context of this parody, we respectfully submit that reasonable viewers would understand the humour of the TVC and would not view it as a portrayal of discrimination or vilification based on race, violence or health and safety.

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

We submit that the TVC does not in any way portray violence that is not justified in the context of the advertised product. The TVC is a parody of the fictional character Shaft who first appeared in the 1971 action gangster film of the same name. Shaft is a New York private detective who is tasked with fighting crime. The TVC parodies the original films by using the 'Shaft' character in a situation that is based around the story lines of the original film, that is Shaft has captured and placed a gangster in a compactor.

The situation is one which places the character of Shaft under extreme stress and as a result his excessive perspiration has left visible white marks on the underarms of his shirt. The gangster

notices the white marks and sniggers. Shaft reacts by switching on the compactor and the shot cuts to a product shot. The payoff being that if Shaft had used Rexona Invisible Ice he would have had white mark control. The man in the compactor is not shown being crushed. There is no actual violence depicted in the TVC. In this context, the intended viewers of this TVC would understand the parody and the distinction between fact and fiction.

We submit that the TVC does not depict material contrary to the Standards on Violence outlined in Section 2.2. In the context outlined above, we believe the depiction of violence would clearly be understood by reasonable viewers as being a parody and therefore not be perceived as the kind of violence that Section 2.2 is directed at addressing.

Section 2.6 Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

We submit that the TVC does not depict material contrary to the Prevailing Community Standards on health and safety. The complainant asserts that "a black man is using a garbage compactor to crush another man, who is bound and gagged, to death" and further that "we see the legs being crushed up against the closing compactor". The depiction of the man bound and gagged in the compactor and the compactor being switched on was performed by trained actors. The creative execution of the TVC is not meant to emulate reality. There is no actual depiction of the man being crushed by the compactor as the camera cuts away to a product shot. The TVC is a parody which combines humour and drama and as such no reasonable person is likely to act adversely as the consequence of watching the TVC. In the context outlined above, we respectfully submit the TVC and its depiction of health and safety would clearly be understood by reasonable viewers as being a parody and therefore not be perceived as contravening the health and safety Standards of Section 2.6.

Approvals

Unilever is a responsible advertiser and has numerous internal review processes, including review by Unilever's Legal and Corporate Relations Departments to critique all advertisements to ensure compliance with legal and ethical considerations.

Conclusion

We submit that we are not depicting material that is discriminatory and/or in contravention with Section 2.1, Section 2.2 (violence) or 2.6 (health and safety) as it is clearly a parody which would be understood by the intended viewers.

In summary, we submit that the context of the TVC is well within Standards and that the TVC complies with Section 2.1, 2.2 and 2.6 of the Code.

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 complainants' concerns that the advertisement discriminates against people on account of their race and is inappropriately violent.

The Board considered whether the advertisement breached section 2.1 of the Code. The Board noted that the advertisement depicts a black man putting a man of possibly European descent into a garbage compactor. The Board considered that the advertisement is meant to evoke a 1970s detective show called 'Shaft'. The Board considered that the depictions of the two men were meant to be taken as a spoof of a television genre and not as a comment on the likelihood of people of any particular ethnicity or race to perpetuate crime or violence. The Board also considered that the reference to 'no white marks' on a man of African American descent was of no ethnic or racial comment. The Board considered that the advertisement did not depict people in a manner which discriminated against them on account of race or ethnicity and did not breach section 2.1 of the Code.

The Board then considered section 2.2 of the Code which requires that advertisements not depict violence unless it is justifiable in the context of the product or service advertised. The Board noted that the advertised product is deodorant/anti-perspirant. The Board noted the advertiser's intention that the advertisement evoke a scenario reminiscent of a 1970s genre television program called 'Shaft'. The Board noted that many members of the public would not understand the reference or the program. Some members of the Board considered that the movie style presentation of the advertisement, and the

incongruity of the man's antiperspirant marks being visible, made it clear that the advertisement is intended to be humorous and over-the-top, and noted also that no actual violence is depicted.

The majority of the Board considered however that the advertisement strongly suggested that the person was to be crushed in the garbage compactor, and indeed the closing image is that of the 'Shaft' character pressing a button to make the compactor resume operation. The Board noted the difference between violence being relevant to the product advertised (which is the requirement of the Code) and violence being relevant to the story of the advertisement. The Board considered that this advertisement was strongly suggestive of violence and that the suggestion of violence was not relevant to the product advertised. The Board determined that the advertisement breached section 2.2 of the Code.

The Board considered that the advertisement did not breach section 2.6 of the Code as the issue of the garbage compactor is relevant to violence.

Finding that the advertisement was in breach of the Code, the Board upheld the complaints.

ADVERTISER'S RESPONSE TO DETERMINATION

Comments which the advertiser made in response to the determination regarding this advertisement included the following:

Please be advised that the television commercial (TVC) advertising the product Rexona Invisible Ice, and of which complaint 392/09 was upheld, has been discontinued. The TVC was last aired on Saturday 19 September 2009 and will not be aired again.