



CASE REPORT

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| 1. Complaint reference number | 409/09 |
| 2. Advertiser | Essential Beauty |
| 3. Product | Professional services |
| 4. Type of advertisement | Radio |
| 5. Nature of complaint | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination | Wednesday, 9 September 2009 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

Radio advertisement starts with a lobbyist campaigning against the deforestation of Tasmania The advertisement then cuts to a women's voice who is promoting - who says, that guy really doesn't have a clue, who wants an over grown Tasmania, down south I am sleek, silky and smooth, deforesting is the best thing I have done, I am the Adam's apple of my man's eye.

THE COMPLAINT

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

Surely ads like this are crossing some line.

They seem to be getting worse both on radio and TV.

Sure the woman is talking about her bushy Tasmania (or whatever word was used) and may not at all be implying her pelvic area.

Soon there will be ads about a woman being happy about buying a Sphynx Cat because she loves a "Hairless Pussy."

I have read the THE ADVERTISER'S RESPONSE and THE DETERMINATION from Complaint reference number 270/08 and feel my complaints determination will read (Just cut and paste this, save rewriting it):

The Board did not consider that the advertisement was promoting sex or sexual activity and that the

use of the word "Tasmania" did not constitute an inappropriate sexual reference.

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

But the phrase hairy Tasmanian and getting mine deforested is surely constituting an inappropriate sexual reference.

If not I'll just wait until the 'Sphynx Cats' ads start because because how would that constitute a hairless pussy.

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, we have read the script and the analogy of a "Overgrown Tasmania" does have a dual meaning which is why the advertisement is creative.

From our viewpoint, the complainant is judging the advertisement by her own standards and

applying a personal viewpoint and choosing to focus on one of many possible meanings associated with the term "Overgrown Tasmania". Equally she could focus on other meanings.

With respect to the use of the term "de-forestation" we find this term also to be creative when read within the context of the whole advertisement.

In summary, we are 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 advertisement to be quirky with tongue planted firmly in cheek.

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 concern and listened to the advertisement.

The Board considered whether the advertisement was in breach of section 2.1 and section 2.3 of the Code. Section 2.1 of the Code states:

"Advertising or marketing communications 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".

The Board also considered whether the advertisement discriminated against or vilified women or men. The Board considered that this radio advertisement, although objectifying the woman and the man, was not demeaning. On this basis the Board determined that the advertisement did not breach section 2.1 of the Code.

Section 2.3 of the Code states:

"Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone."

The Board agreed that the use of the word "Tasmania and deforestation" in this manner might be considered distasteful by some members of the community. However, the Board must also consider and balance the advertiser's right to market its product in a creative manner, as long as it is done in an acceptable manner.

In this instance, the Board agreed that most members of the community would not be offended by the tongue in cheek reference to Tasmania and deforestation, and that such words were not overtly sexualised or obscene, and therefore, unlikely to be understood by children. The Board determined that the advertisement did not breach section 2.3 of the Code.

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