



## **CASE REPORT**

1. Complaint reference number	442/06
2. Advertiser	Jemella Group (GHD hair products)
3. Product	Toiletries
4. Type of advertisement	TV
5. Nature of complaint	Health and safety – section 2.6
6. Date of determination	Tuesday, 14 November 2006
7. DETERMINATION	Dismissed

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement depicts an elegant woman descending stairs, grabbing her shoulder in pain as another scene shows a voodoo doll being pierced in the shoulder with a pin and a female voiceover stating “Thou shalt not be jealous of what others can do with theirs”. She then falls down the stairs as a blond woman holding the voodoo doll laughs. Another girl is straightening her dark hair with a GHD machine as a blond woman looks on then starts fighting with her as the voiceover continues “Thou shalt not borrow your sister’s without asking”. A blond woman kissing a dark Latin male is warned “Thou shalt not use yours to steal your best friend’s man.” A young attractive widow stands at a graveside with the family of the deceased “Thou shalt never use yours to make wealthy men with weak hearts fall in love with you.” As the widow smiles and walks away from the cemetery, the voiceover concludes “This is the gospel according to GHD”.

## **THE COMPLAINT**

Comments which the complainant/s made regarding this advertisement included the following:

*The use of witchcraft is not only offensive but pure evil. It should no be on TV at all let alone during a popular teenager program. The involving of cursing and voodoo shows an over accepting use of demonic force that will only bring harm to the minds of the easily led. These people need protection from this type of behaviour and not a way to show it as being cool.*

## **THE ADVERTISER’S RESPONSE**

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

*The complaint is brought on the basis that the reference by the advertisement to witchcraft or voodoo is inappropriate and will induce teenagers or other young people to engage in such activities.*

*In summary, Jemella Australia submits that:*

- 1.1. the use of witchcraft or voodoo is of only minor significance in the advertisement;*
- 1.2. there is no direct or unambiguous reference to any particular set or system of occult beliefs, of which many exist;*
- 1.3. the occult symbol used is already widely known within mainstream Australian culture and Western culture generally, which is why it was chosen for the advertisement;*
- 1.4. the advertisement does not encourage viewers to engage in the activities that it depicts;*
- 1.5. the advertisement clearly indicates, by the artificial and stylised representation of the events*

*and actions that it depicts, that it is not a realistic portrayal of actual or likely events or actions, but that those events or actions are being used as dramatic devices to indicate the quality and effectiveness of the product being advertised;*

*1.6. in general, the use of occult symbols or concepts is not in contravention of any provision of the Advertiser Code of Ethics, although it may contravene Section 2.1 if such use in the circumstances constitutes vilification or discrimination against a person or section of the community on account of religion;*

*1.7. the use of the occult in the advertisement cannot be seen in any light to discriminate against or vilify the practitioners of any particular religious belief.*

## **THE DETERMINATION**

The Advertising Standards Board (“Board”) considered whether this advertisement breaches section 2 of the Advertiser Code of Ethics (the “Code”).

The Board viewed the advertisement and considered the complainant’s comments that the advertisement was offensive and evil.

The Board considered whether the advertisement breached section 2.1 of the Code dealing with vilification or discrimination against sections of the community, in this case religious groups.

The Board noted the portrayal of the voodoo doll at the start of the advertisement. The Board did not accept that such a portrayal in the advertisement amounted to vilification of practitioners of voodoo or associated religions. The Board hence determined that the advertisement did not breach Section 2.1 of the Code.

The Board also considered whether the advertisement breached section 2.6 dealing with health and safety standards, on the grounds that people practicing voodoo would be harmed. The Board did not accept that the advertisement would encourage people to practice voodoo and that, even if it did, it was unlikely, in the Board’s view, to lead to harm. The Board hence determined that the advertisement did not breach Section 2.6 of the Code.

Further finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.