



CASE REPORT

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| 1. Complaint reference number | 463/08 |
| 2. Advertiser | Johnson & Johnson Pacific Ltd |
| 3. Product | Toiletries |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination | Wednesday, 12 November 2008 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement revolves around a young woman who we first see getting ready for a night out. Before she leaves home, she grabs a pack of Carefree Barely There Liners. We follow her through the evening as she visits various bars and nightclubs with her friends, gets some takeaway food in Kings Cross, has some fun around the fountain there before heading to the beach to watch the sun come up. In the sand, someone has written 4 clubs, 16 hours, 1 pair of undies and the voice over states the same information in addition to "CareFree Barely there flexible liners. Stay fresh for longer.

THE COMPLAINT

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

IT IS DEALING WITH AN EXTREMELY PERSONAL ASPECT OF A WOMAN'S LIFE THAT DOES NOT NEED TO BE SPELT OUT ON TV. PEOPLE DO NOT NEED TO KNOW THE BIOLOGICAL DETAILS OF A WOMAN'S ANATOMY AND WHETHER SHE NEEDS TO CHANGE HER UNDERWEAR OR NOT. AS A WOMAN I FIND THIS AD EXTREMELY EMBARRASSING, INTRUSIVE AND TOTALLY UNNECESSARY.

THE ADVERTISER'S RESPONSE

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

We wish to respond to the concerns raised by the complainant in relation to our advertisement.

Having reviewed the advertisement, we remain satisfied that the advertisement is not, as alleged by the complainant, in breach of section 2.3 of the Code of Ethics.

Section 2.3 states that "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone." We are satisfied that the advertisement does not in any way deal with sex, sexuality or nudity. Rather, the advertisement and in particular the reference to underwear simply presents the benefits of using our CAREFREE products; nothing in the advertisement is presented in a sexual manner, nor does the advertisement refer explicitly to a woman's anatomy or biological functions.

As you know, advertisements referring to feminine hygiene products and issues have been commonplace for many years; our advertisement is a typical example of these commonplace advertisements. We have been advertising our CAREFREE products since the 1980's. While we appreciate the complainant's concerns, we do not think that our advertisement is any way offensive to the general public (in fact, this is the first complaint of its kind). Please be assured of

our best intentions at all times. We trust that this complaint can now be closed.

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 whether the advertisement contravened Section 2.1 dealing with discrimination. The Board determined that there was no discrimination in the advertisement against either gender.

The Board noted the complainant’s comments that the advertisement is inappropriate by making reference to a young woman staying out all night and not needing to change her underwear because she has used panty liners. The Board agreed that the mere reference to panty liners and how they might be used is not of itself obscene and that the context is relevant to determining whether the depiction breaches the Code.

The Board considered the reference to panty liners. While the depiction of the pad is clear, the Board noted that depictions of women’s sanitary products have been commonly broadcast for a long time and that the advertising of such products is legal provided that such advertisements comply with the Code.

The Board determined that the depiction of the product being advertised was unlikely to make many members of the community uncomfortable and was not in contravention of the Code.

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