



CASE REPORT

1. Complaint reference number	486/09
2. Advertiser	Unilever (Lynx)
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, 28 October 2009
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

A young man is depicted going to a nightclub and sprays Lynx aftershave on himself. As he enters the nightclub he sees young attractive people there and is then depicted in the shower with two young women.

THE COMPLAINT

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

I submit that the material portrayed is entirely inappropriate for display during a game of football to be watched by a large number of boys under 16 years of age. The content is offensive and unhelpful to men of any age who value and protect their relationship with a spouse or committed partner. The material content is also patently false as anyone who has ever licked skin sprayed with deodorant/antiperspirant can attest.

THE ADVERTISER'S RESPONSE

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

We note that the ASB is considering the TVC in relation to an issue that falls under Section 2.3 of the Advertiser Code of Ethics. For the reasons outlined below, we do not consider that the Commercial is in breach of Section 2.3 of the Code.

1. The Complaint

The details of the complaint received by the ASB on 27 September 2009 are as follows:

“Ad Details TV, during Friday Night Football approx 8.20pm on Friday 25 September, Channel 9:

Description of Ad: A man goes to a club after spraying Lynx on himself. A bunch of babes entice him to the toilets to engage in group sex.

Reasons for Concern: I submit that the material portrayed is entirely inappropriate for display during a game of football to be watched by a large number of boys under 16 years of age.

The content is offensive and unhelpful to men of any age who value and protect their relationship with spouse or committed partner.

The material content is also patently false as anyone who has ever licked skin sprayed with deodorant antiperspirant can attest.”

2. Overview

Lynx is a brand with a history of fun, tongue-in-cheek, playful advertising. Lynx also has a proud history of award winning commercials which both entertain and surprise its consumers. We submit that the TVC continues this tradition of tongue in cheek entertainment with an element of fantasy and that the intended young adult male audience understands the playful and hyperbolic nature of the TVC and its distinction between fact and fiction.

CAD provided the TVC with a “PG” rating requiring care as to the placement of the TVC in cartoon and other child appeal programs. Unilever has taken great care to ensure that the TVC has been placed in PG rated programming. The TV media buying is targeted at the young adult male audience and as such the spot placements are amongst programming that is targeted at its intended audience such as “NCIS”, “The Simpsons”, “Talkin’ ‘bout Your Generation” and weekly “AFL”. The humour and content of the TVC is consistent within the context of this programming.

3. Section 2.3 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 TVC shows a young man getting ready to go out by spraying himself with Lynx Fever. He is then shown on his own drinking coffee at a nightclub. Two women beckon to him and lead him to a shower where they lather him up with Lynx Fever shower gel. The man and two women remain fully clothed throughout the duration of the TVC and at no point is there any nudity displayed by any of the participants in the TVC.

We submit that the TVC treats sex, sexuality and nudity with sensitivity to the relevant audience and the relevant programme time zone. The relevant audience in this case are young males aged 16 to 24 years. In this case, the relevant program time zone is any programming with a parental guidance rating which requires care when placing the TVC in cartoon and other child appeal programs. Under Unilever’s instruction, its media agency, Universal McCann has taken great care to place the TVC within programming that has appeal to the Lynx target audience. Examples of the some of the programs are listed above and also include ‘Criminal Minds’, ‘The Spearman Experiment’ and ‘Good News Week’.

The tongue in cheek approach to the TVC resonates with its intended audience, young males ages between 16 to 24 years through the fantasy element of getting the girl through using Lynx Fever body spray and shower gel. Additionally, Unilever’s research shows that young males often feel a lack of confidence in the initial stages of their first relationships with young women. The premise behind all Lynx advertising campaigns is about giving young men confidence.

We submit that the complainant’s statement ‘The content is offensive and unhelpful to men of any age who value and protect their relationship with spouse or committed partner’ is based on a misunderstanding that the main protagonist featured may be in a relationship. The TVC is aimed at young single men who may lack the confidence to approach a young woman. This situation is depicted in the TVC where the protagonist is alone and does not appear to know how to approach the young women who are looking at him. His expression shows a lack of confidence. It is the young women who confidently approach the young man. The TVC continues the fantasy element of the man getting two beautiful young women to pay him attention through the use of the Lynx Fever products depicted. There is no sex depicted in the TVC.

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.

4. Conclusion

We submit that the humour and fantasy elements of the TVC treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate the relevant programme time zone and that the TVC complies with section 2.6 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 the complainant's concern that the advertisement depicted people engaged in group sex.

The Board viewed the advertisement and considered whether the advertisement was in breach of section 2.3 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 viewed the advertisement and noticed that in all scenes the man and women are clothed and do not appear to be engaged in any sort of recognisable sexual activity, although there were strong aspects of flirtation and silly behaviour in the shower. This scene had a strong element of fantasy which the Board considered was linked to the advertisement's claim for success with women from using the product. The Board agreed that the advertisement was suggesting success with women from using the product but considered that the various scenes were short and that it was difficult overall to get a strong sense of sexual behaviour from the advertisement. The Board considered that the context of the advertisement is "FEVER" and that the advertisement was targeted to a young adult audience and was not overly sexualised or lacking of sensitivity in relation to sex, sexuality and nudity. The Board considered that it 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.