



## CASE REPORT

1. Complaint reference number	542/09
2. Advertiser	Unilever Australasia
3. Product	Toiletries
4. Type of advertisement	TV
5. Nature of complaint	Language – use of language – section 2.5
6. Date of determination	Wednesday, 25 November 2009
7. DETERMINATION	Dismissed

## DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts a pool party where there are lots of young adults in the pool having a fun time. One scene shows a guy who has fallen asleep on the front lawn and gets ready by having a shower and uses the Lynx product. He is then shown with writing all over him. The voiceover says "Wake the hell up with Lynx shock".

## THE COMPLAINT

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

*Referred by WIN Bendigo*

*I believe this ad contains offensive language ("Wake the hell up"), especially given the time slot, and feel that it promotes drinking and partying to the extent that one might wake up, not realising his 'friends' have written over him in the morning.*

*This isn't the sort of ad I wished my young daughter to view at that time of the day.*

## 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 2.5 of the Advertiser Code of Ethics. For the reasons outlined below, we do not consider that the Commercial is in breach of Section 2.5 of the Code.*

### **1. The Complaint**

*The details of the complaint received by the ASB on 21 October 2009 are as follows:*

*"Complaint referred by WIN Bendigo:*

*Reasons for Concern: "/ believe this ad contains offensive language ("Wake the hell up'), especially given the times/ot, and feel that it promotes drinking and par/y'ing to the extent that one might wake up, not realising his 'friends' have written over him in the morning. This isn't the sort of ad I wished my young daughter to view at that time of the day. "*

### **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. The Lynx commercial the subject of the complaint is targeted at a demographic of men aged 16 to 24, and was programmed accordingly. Unilever submits that this target audience of young men understands the playful and hyperbolic nature of the TVC and its distinction between fact and fiction.*

CAD allocated the TVC 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. A PG rating signifies to a parent of young children that parental guidance should be provided While their child is watching content with this rating. 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 "CSI: New York",

"Two & A Half Men", "Rescue Special Ops" and "The AFL Footy Show'. The humour, language and content of the TVC is consistent with the context of this programming.

**3. Section 2.5 Advertising or Marketing Communications shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided.**

The TVC shows a young man waking up on a front lawn, getting into a shower and using Lynx Shock shower gel, and then spraying himself with Lynx Shock body spray. Using the Lynx Shock products reminds him of the previous night's activities, which are then depicted in the TVC. The young man is seen attending a pool party, at which he interacts with women and other young males. The young man falls asleep in his bathers, in a deck chair, and other guests at the party write on his torso while he is asleep. A Voice Over at the end of the TVC says 'Wake the hell up', and the TVC ends with a series of images of the party and an image of the shower, followed by depictions of the Lynx Shock range of products.

Advertisements falling within the PG classification may use low-level course language, as long as it is used infrequently, and when it is justified by the story line or program context.

Unilever submits that the language used in the TVC is appropriately low-level with regard to the context and the classification of the TVC. The relevant audience is young males aged 16 to 24 years. It is highly likely and reasonably foreseeable that this target audience would be familiar with the word "hell". Furthermore, this low-level course language appears only once in the TVC, thus complying with the requirement that it be used only infrequently. The relevant programming time zone for airing the TVC is during 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 some of these programs are listed above and also include "Best of the Paul Hogan Show", the movie "Transformers" and "The Big Bang Theory". Many of the programmes during which the TVC appeared would have used language similar to if not stronger during the same time zone.

The word "hell" is used frequently in mainstream media. In fact, in 2006 an Australian government body, Tourism Australia, itself released a global TVC using the word "hell". The slogan 'Where the bloody hell are you?' was deemed controversial by advertising bodies in the UK, not because it used the word "hell" but because it used the word "bloody". The word "hell" by itself was not considered to be offensive in Australia or the UK. The implied message behind the Lynx Shock TVC that is the subject of the complaint, is that Lynx Shock products will wake you up even after a night of much fun and little sleep. In this context, the phrase "Wake the hell up" is appropriate and justifiable.

In circumstances where the TVC uses language that is not obscene, uses that language infrequently and within context, and is classified and programmed to air during time periods where such language would not generally be considered to be offensive or unusual, Unilever submits that the complaint against it is misconstrued. There will be some viewers who may be more offended at low-level course language than other viewers, but the TVC does not breach the AANA Code of Ethics.

The tongue in cheek approach of the Lynx TVC resonates with its intended audience of young males through the fantasy element of playing in a swimming pool with bikini-clad girls, having fun with mates and then waking up after a long night using Lynx Shock shower gel and body spray. The premise behind all Lynx advertising campaigns is about giving young men confidence.

Unilever submits that the complainant's statement "that [the TVC] promotes drinking and partying to the extent that one might wake up, not realising his 'friends' have written over him in the morning" is based on an assumption about the state of the main protagonist. A young man who is

*fast asleep without having been at a party may just as easily sleep through a practical joke as a young man who has imbibed alcohol at a party. There is no indication in the TVC that the protagonist has overindulged in alcohol, nor is the TVC encouraging or promoting such behaviour. Instead, the TVC depicts a party involving young women and young men having fun in a swimming pool.*

#### **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 content of the TVC and the playful approach generally employed in relation to Lynx products, creates a context within which the low-level language that appears within the TVC is justified, appropriate and inoffensive, and that the TVC therefore complies with section 2.5 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 promoted drinking and the language was offensive.

The Board noted the advertiser's response.

The Board viewed the advertisement and considered whether the advertisement was in breach of section 2.5 of the Code. Section 2.5 of the Code states:

*"Advertising or marketing communications shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided."*

The Board noted that the word "hell" was not a swear word and was permitted for broadcast on television. The Board noted that the tone and use of the word "hell" was unlikely to be considered by most members of the community and was in and of itself not an offensive word. The Board agreed that the advertisement was intending to engender a feeling of there was fun to be had and one would otherwise miss out and therefore, was not inappropriate in the circumstances. The Board determined that the advertisement did not breach section

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