



CASE REPORT

- | | |
|-------------------------------|--|
| 1. Complaint reference number | 556/09 |
| 2. Advertiser | Essential Beauty Franchising |
| 3. Product | Toiletries |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Discrimination or vilification Gender - section 2.1 Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination | Wednesday, 25 November 2009 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement starts with the close-up of a person's body hair. The voiceover says: "time to trade in your wild, unkempt Tasmanian - swap it for a smooth and sexy brazilian." The scene zooms out so that it is obvious that it is a man's beard that the voiceover is referring to and the scene then cuts to a picture of a man with dark skin and no body hair.

THE COMPLAINT

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

The ad is extremely offensive as we see a frontal close shot of female pubic hair under the so called 'disguise ' of it being a mans beard. It is targeted at women having brazilian waxes but using men to try to advertise this so as to cover up the initial shock factor of the female pubic hair frontal. The message this company promotes is that it is offensive and disgraceful for women to have pubic hair. The time slot was 5 minutes before the Simpson's come on so the viewer audience is highly likely to be children and teenagers, along with the adults already watching the news.

THE ADVERTISER'S RESPONSE

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

"The ad is extremely offensive as we see a frontal close shot of female pubic hair under the so called 'disguise ' of it being a mans beard. It is targeted at women having brazilian waxes but using men to try to advertise this so as to cover up the initial shock factor of the female pubic hair frontal. The message this company promotes is that it is offensive and disgraceful for women to have pubic hair. The time slot was 5 minutes before the Simpson's come on so the viewer audience is highly likely to be children and teenagers, along with the adults already watching the news"

With respect to the complaint, we have seen the television commercial (TVC) and the picture of an "Overgrown Tasmanian's beard" may be construed to have a dual visual purpose, which is why the advertisement is creative. Having said this, not everybody in our experience views the TVC in this manner.

Further, it is not our company philosophy to promote the fact that "it is offensive and disgraceful for women to have pubic hair". We are promoting the fact that women have a choice when it comes to hair removal.

From our viewpoint, the complainant is judging the advertisement by her own standards, applying a personal viewpoint and choosing to focus on one of many possible interpretations associated

with the TVC. Equally she could focus on other interpretations.

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.

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 concerns that the advertisement is offensive as we see a frontal close shot of female pubic hair under the disguise of a man's beard. It is promoting that it is offensive and disgraceful to have pubic hair.

The Board noted the advertiser's response and viewed the advertisement.

The Board 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 noted that the advertiser had advised that the image in the advertisement is in fact an overgrown beard and may be perceived by some people as a part of the female genitalia. The Board noted that the advertisement was a beauty franchise and that the product of removing hair was relevant to the service that they provide. The Board considered that the images in the advertisement although suggestive of the pubic region is in fact a depiction of a man's face and beard and was relevant to the product/service and were not overly sexualised and therefore 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.