



CASE REPORT

1. Complaint reference number	608/09
2. Advertiser	Valeant Pharmaceuticals
3. Product	Toiletries
4. Type of advertisement	Outdoor
5. Nature of complaint	Portrayal of sex/sexuality/nudity – section 2.3
6. Date of determination	Wednesday, 20 January 2010
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This outdoor advertisement for UV Triple Guard depicts a cartoon like mascot with boggle eyes and one tooth. The slogan says: "It's ginger's best friend".

THE COMPLAINT

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

I'm a red head and I find the billboard highly offensive. We have had anti-discrimination laws for a long time yet it appears that, for some unknown reason, it is okay to make derogatory comments about red heads i.e. call them 'Ranga's' etc. I've used the product in question for a long time but will never purchase it again. I'm also considering legal action against the company in the Equal Opportunity Commission.

THE ADVERTISER'S RESPONSE

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

The UV Triplegard 'Ginger's Best Friend' advertisement is part of a broad integrated campaign to promote the UV Triplegard range of sunscreens. The overall campaign uses tag lines across a range of media with a tone to appeal to the target audience in a humorous way.

Other tag lines include:

"Someone has to look out for English Backpackers" "Dark places are mouldy" "There's no housework outside" "Fight for the window seat"

The advertisements also feature a cartoon interpretation of the sun.

It is important to note that this advertisement is not designed to be offensive to or discriminate against those with red hair. In fact we are promoting a safe sun message in that "Gingers" (a term used to describe people with red hair and fair skin) have a greater need for sun protection. At no point are any negative comments made about people with red hair. We are simply highlighting that UV Triplegard is a high quality sunscreen appropriate for everyone, including those with fair skin.

We do not believe that we have breached Section 2 of the Advertiser Code of Ethics.

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 was highly offensive and discriminatory towards red-heads.

The Board considered whether the advertisement was in breach of section 2.1 which relates to discrimination or vilification of a person or a section of the community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief.

The Board viewed the advertisement and noted that the image depicted was a cartoon and that the reference to the word "ginger" was a term used to describe people with fair skin. The Board considered that this advertisement was attempting to get across a message that fair skinned people in particular need to take care in the sun. The Board considered that the advertisement was not vilifying to people with fair skin or red hair and in fact was relevant to the product being advertised.

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