

COMPLAINT NUMBER	21/004
ADVERTISER	CS & Co Beauty Solutions
ADVERTISEMENT	Skyn, Television
DATE OF MEETING	29 January 2021
OUTCOME	No Grounds to Proceed

Advertisement: The OnDemand television advertisement for Skyn condoms shows a couple being intimate together as the song "Heads, Shoulders knees and toes" plays in the background. The advertisement shows the condom product in its Skyn packaging.

The Chair ruled there were no grounds for the complaints to proceed.

Complaint 1: Sexually explicit content advertised on TVNZ OnDemand at 2300h 17/12/20.

Complaint 2: I think it NOT appropriate to put SKYN CONDOMS advertisement which contains nudity and intimate scene along with children song "head, shoulder, knees and toes" as a background song. We are in the middle of family gathering at Xmas eve with young school aged children who are drawn by the ads' song! Really ruin our family Xmas eve gathering. I have NEVER seen this ad before this evening and certainly NOT APPRECIATE TVNZ1 aired it at this time of the day especially on Xmas Eve.

The relevant provisions were Advertising Standards Code - Principle 1, Rule 1(c);

Principle 1: Social Responsibility: Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.

Rule 1(c) Decency and Offensiveness: Advertisements must not contain anything that is indecent, or exploitative, or degrading, or likely to cause harm, or serious or widespread offence, or give rise to hostility, contempt, abuse or ridicule.

The Chair noted the Complainants' concerns the advertisement was shown at an inappropriate time.

The Chair noted the two Complainants had viewed the advertisement while watching TVNZ OnDemand. The Chair confirmed that advertisements are served through the TVNZ OnDemand platform using the account holder profile information, such as age and gender.

The Chair noted the Advertiser had confirmed the Skyn advertising campaign was played within a restricted time period of 20:30pm – 05:00am, targeting an 18-44 age demographic. The Chair said this means the advertisement would only have been served to those viewers whose user profiles were registered as over 18 years of age. The Chair said viewers with these profiles could expect to be served advertisements based on the registered user's profile, as in this case with adult themed products.

Rule 1(c) of the Advertising Standards Code required the Chair to consider whether the promotion of condoms in this context was likely to cause serious or widespread offence in

light of generally prevailing community standards. The Chair said that despite the Complainants' objections to the advertisement, the placement of the advertisement served to an adult OnDemand user profile, meant it did not reach the threshold to cause serious or widespread offence for most consumers.

The Chair said the advertisement had been prepared and placed with the due sense of social responsibility required and said it was not in breach of Principle 1 or Rule 1(c) of the Advertising Standards Code.

Chair's Ruling: Complaints **No Grounds to Proceed**

APPEAL INFORMATION

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website www.asa.co.nz. Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.