

<b>COMPLAINT NUMBER</b>	20/153
<b>ADVERTISER</b>	Asaleo Care Limited
<b>ADVERTISEMENT</b>	Libra, YouTube
<b>DATE OF MEETING</b>	16 April 2020
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The Libra Blood Normal OnDemand television advertisement shows various images relating to periods including red liquid being poured onto a sanitary pad, a woman asking for a pad across a crowded table and a man shopping for sanitary products. It also shows blood running down a woman's leg in the shower and a pixelated sanitary pad being removed from underwear. The text says "Why is it considered unacceptable to show period blood? Periods are normal. Showing them should be too."

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

**Complaint:** It is a shorter version of this video that appeared before a video I watched showing a woman in the shower with period blood running down her leg. Sure, periods and blood are normal, socially, but that's not something I want to see on TV/videos. Me jizzing in my girlfriend is normal, but no one wants to see that either, nor should they have to just because I have some weird need to 'normalize' it. To be honest I find this quite disgusting. Shit coming out my ass is normal too; no one needs to see that on TV. Whether it is blood or not running down her leg is irrelevant. It's implied enough, the same way if I have something that looks like poo but isn't running down my leg--it's obscene.

**Further comment from the Complainant:** So, sometime ago I made a complaint about a Libra or other tampon company ad that featured blood in it. I was advised this had already been 'ruled' on and thus could go no further. I believe I was advised I could take my complaint further, which I would like to.

The first issue is that the justification that was given was it was a 'social good' in doing so. However, after searching the code of the ASA I can see no hierarchy of the criteria by which rules are adjudicated. Your point was simply 'it has a positive social intent' therefore it can override every other code it broke. And yet, when I search through the code I see no hierarchy or separate clause which allows you to differ or override other codes. So, my complaint is this: you're avoiding your own code and rules it breaks and simply interjecting your own opinion. By your own admission it breaks several of your codes. It contains gross or offensive content, AND has been deemed widely offensive by the public. It breaks two major components of the code, yet for some reason, you're willing to break that and go with the subjective 'if its a good intent its fine'. Here is the problem with that. Firstly, the code is in place to ensure rigour and fairness and the maintaining of a standard of broadcasting. When something violates two of parts of the code, by overriding that you are essentially making the code irrelevant. And I can see no part of the code that stipulates one part of the code has more value or weight than any others, simply that intent is CONSIDERED. I would argue that if something violates a code twice, even if in good intent, it should be removed and reconsidered. The intent can remain the same, but its approach can be redone so as to not violate the code at all. The other problem was I was essentially told that 'you saw this online, and ads are targetted at certain profiles, e.g. female' so I shouldn't have seen it. Let's get real

here for a second. Families share profiles because no one gives enough of a shit to log out of someones profile and log into theirs. We still watch TV as if its TV even if we stream it. We just flick it on and watch. You may not, your friends may not. 90% of people do. Most people adapting to streaming are still laggards and do not care enough about garbage technological stuff like that. So because profiles are irrelevant and meaningless at this point in society, it should not be used as evidence here or there. We wouldn't say 'well we can have a sex ad because the profile says it's over 18' when kids and parents and flatmates all use eachothers profiles because no one even cares about profiles. The greatest irony of the response I received was that you, or whoever responded or wrote the ruling even admitted the ad had drawn many, many complaints globally and yet despite drawing somewhat of a public outrage, it was allowed to go ahead. Yet this is a big standard that's being breached that it is seen by the public in poor taste. You're again overriding your own standard. I could go through and point out what standard that pertains to, but surely you know them well enough I don't need to. If something is so outrageous publically, and that's a violation of ASA standards, the degree to which it has so severely drawn outrage should be enough to end the ad.

My point is really not that I care about the ad, but I'm annoyed that your organisation has no integrity that it can even so clearly point out that the ad has broken its own standards but then instead inject a subjective opinion in there to override its own rules. To me, this smacks of agenda. The ASA codes are set up to ensure consistency, and like laws are there so subsequent people can refer to them and not abuse a lack of laws by ruling with their opinion. Any subjective element is much like sentencing--you still broke the law or rules, but we can be subjective in to what degree does it need to be assessed. I submit that you can't override your own standards, even your own code--or at least nothing that I can find on your website--says you can override your own rules (that are handed down to you from a higher governmental body or at least a higher authority than whomever ruled on this issue). So, then why are you doing it. By this precedent you've essentially said literally the standards are irrelevant but that we as an organisation make up our own mind on the day based on what we think and feel, what opinions the people in the organisation have at the time, and the public has no say at all when many, and clearly many, have complained and the content is somewhat vulgar for its audience and so on that is breaching two codes and you just say 'nah, we feel that's all good'. Why even have the code? It's more of an appeasement than anything. Why not just be honest and say 'look if we think it's bad we can remove it on the following grounds' instead of 'these are the codes and if they're in violation... etc'. At least be honest. I really couldn't care about the ad anymore, but you're a government organization that holds a lot of power and media that effects our children and by this standard you're opening yourself up to politicisation of any degree. As long as a few people think or agree on a certain thing, and they happen to be those ruling on the complaint then the standards are totally meaningless. Literally meaningless. Violations can occur but if we don't care then who cares. I could use some extreme example that by this internal logic you've adopted (which, again, is not outlined in your codes, it merely says intent is considered but does not say it overrides the other codes) literally anything could be advertised. Having people fucking on a daytime ad because some loser has the philosophy that we 'need to normalize sexual intercourse because we believe people have unhealthy attitudes to sex' or something.

Honestly, I don't even care about the ad anymore and my complaint no longer pertains to the ad but instead your poor ruling and inability to conform to your own standards which, logically, you shouldn't be able to override otherwise as a political organization (which you are) you no longer have accountability.

**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** reviewed the advertisement, the complaint, the additional information from the Complainant, the precedent Decision 19/317 and the relevant requirements in the Advertising Standards Code.

On 24 September 2019, the Complaints Board ruled that the Libra Blood Normal advertisement was not in breach of the Advertising Standards Code in 2019. That is Decision 19/317.

The Complainant's initial complaint was received on 16 October 2019 after the Board had made its decision on similar issues for the same advertisement. The Complainant was advised that the matters raised in their complaint had previously been dealt with and were sent a copy of Decision 19/317.

The Complainant has made another complaint about the same advertisement, this time on the Libra YouTube channel.

The Chair confirmed that Decision 19/317 is a recent decision covering similar issues to those raised by the Complainant in both of their complaints.

The Chair determined it would serve no purpose to place this matter before the Complaints Board less than six months after it was previously adjudicated on.

The Chair ruled there were no grounds for the complaint about the advertisement to proceed.

The Chair noted that matters relating to the ASA and the complaints process would be dealt with through separate correspondence to the Complainant.

**Chair's Ruling:** Complaint **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](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.