



Case Report

1	Case Number	0404/14
2	Advertiser	Myer Pty Ltd
3	Product	Retail
4	Type of Advertisement / media	Print
5	Date of Determination	08/10/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Violence Violence

DESCRIPTION OF THE ADVERTISEMENT

The catalogue advertisement included an image of the Montblanc 'Emblem' fragrance, gift with purchase image, pricing and product description "Introducing the new fragrance for men; Emblem by Montblanc, the indelible signature of an eternal man. The scent is classic, demanding, timeless and never consensual".

Catalogue: Festival for Dad Father's Day on sale Tuesday 26 August 2014 to Sunday 7 September 2014.

THE COMPLAINT

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

It says the product is never consensual. That is entirely inappropriate, particularly given the product being sold and supports a rape culture. If they were trying to say it is irresistible they missed... badly. If that is the tag line Myer should remove the product from sale. Myer should also hang their heads in shame.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

Myer and the supplier have reviewed the concerns raised by the complainant who suggested that the product description for the Montblanc 'Emblem' fragrance (fragrance) on page 13 of the Father's Day catalogue (advertisement) promotes violence.

The fragrance has been launched worldwide and originated from France. The original text of the advertising communication was drafted in French. The French words used in the advertising were "classique – exigeant – intemporel – jamais consensuel", and were translated into English words "classic- demanding – timeless- never consensual". The meaning of the French word "consensuel" is "to seek for consensus by being neutral, bland, middle-of-the road", or often synonymous with "to be insipid/dull/boring/uninteresting/tasteless...".

Both Myer and the supplier are of the view that the use of the reference to "never consensual" does not present or portray violence and most definitely does not support or imply rape – as suggested by the complainant. Rather it expresses that the attitude of the fragrance user does not require approval from others for choosing to wear the fragrance. It should be noted that the use of the words "never consensual" has been used in the context and with reference to the scent of the fragrance, and not a person or an act.

The catalogue is a Father's Day gift giving print advertisement and therefore it is predominantly targeted to adults who make the purchasing decisions for the products we sell and not children. Nonetheless we note that there is a possibility that children might peruse the catalogue however it is unlikely that a child would consider the reference to "never consensual" to be in connection with violence. We note that the catalogue advertisement does not contain any visible images of violence.

Based on the above, Myer and the supplier do not believe that the advertisement contravenes section 2 of the AANA code of ethics and rejects any claims that the advertisement in question promotes violence.

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 features an inappropriate reference to rape.

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

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Board noted that this print advertisement appeared in the Myer Father's Day catalogue

and featured an image of Mont Blanc aftershave with small print text which read, “The scent is classic, demanding, timeless and never consensual”.

The Board noted the complainant’s concerns that the reference to ‘never consensual’ is inappropriate and “supports a rape culture”.

The Board noted the advertiser’s response that the advertisement originated from France and that the phrase ‘never consensual’ had been translated from the French phrase, “jamais consensuel” The Board noted the advertiser’s response that the meaning of the French phrase is intended to refer to the product not seeking consensus by being “middle of the road or bland”.

The Board noted the Macquarie Dictionary definitions:

- Consensual: adj. formed or existing by mere consent
- Consensus: n.1. general agreement or concord. 2. Majority of opinion

The Board noted the complainant’s concerns that ‘never consensual’ is a reference to rape and that this is inappropriate “particularly given the product being sold”. The Board noted that this advertisement for an aftershave appeared in a catalogue for Father’s Day gifts and considered that there is no link between aftershave and rape.

The Board noted that the word ‘consensual’ is often used in discourse around the issues of sexual assault and rape but considered that in this instance the word is being used in its original, dictionary, definition which is suggestive of seeking consensus as a product. The Board noted that the advertisement does not feature any images of people and considered that there were no sexual references in the advertisement. The Board noted that the issue of sexual assault is serious and should never be made light of but considered in this instance, although some of the meaning of the original intent has been lost in the translation from French to English, in the Board’s view the advertisement does not suggest, promote or condone rape. Based on the above the Board determined that the advertisement 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.