



Case Report

1	Case Number	0098/17
2	Advertiser	Pacific Brands Holdings Pty Ltd
3	Product	Lingerie
4	Type of Advertisement / media	TV - Pay
5	Date of Determination	22/02/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.5 - Language Inappropriate language

DESCRIPTION OF THE ADVERTISEMENT

The 'Bus' ad starts with a flashback scene to a woman in her twenties riding the bus in a very uncomfortable yet fashionable pearl G-string. The bus stops suddenly and her underwear breaks and pearls are seen falling to the ground. The ad finishes in the current day where the woman, now in her forties, approves of her much more comfortable underwear in the mirror.

THE COMPLAINT

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

References to a woman wearing a pearl thong being uncomfortable and pearls drop and scatter from under her skirt on the floor. What a disgrace this is not the first add from bonds always pushing the boundaries sexually fortunately we do not all find this content helpful or appropriate especially for our children being constantly bombarded by this type of advertising all for the sake of making money The most annoying thing is you have no time to re act or sheild your family members from this content once they have been exposed it's all too late where have standards gone all too often it seems like anything goes then the parents who also find this disgusting have to do the explaining why is it not possible to watch programs without the constant concern of inapropriate adds popping up admittedly there are some good ones (Adverts) but few and far between if retailers would only realise the damage this can cause to families and the impact it has time they woke up to themselves and their

smutty adds & cheap laughs for money is purley not good enough.

would like to see standards lifted to a much higher level and censorship more rigorous.

Unhappy feeling degraded. Please have these filthy adds removed from our eyes and ears and those concerned held accountable for this inappropriate advertising.

I find this advertisement distasteful and the phrase 'pain in the arse' totally inappropriate for television.

THE ADVERTISER'S RESPONSE

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

We write on behalf of our client, Bonds (Hanes Brands) in response to a complaint against the Bonds Comfytails 'Bus' TVC, specifically relating to the following section of the AANA Code of Ethics: 2.4 – Sex, Sexuality and Nudity (general).

Bonds is an underwear and apparel brand, best known for creating fun and fashionable undies for the whole family. On 5th February 2017, Bonds launched a new range of underwear for women in their forties who have outgrown uncomfortable called Comfytails.

The Comfytails campaign plays on the insight that years of unfortunate and uncomfortable underwear results in all sorts of uncomfortable experiences. The 'Bus' ad starts with a flashback scene to a woman in her twenties riding the bus in a very uncomfortable yet fashionable pearl G-string. The bus stops suddenly and her underwear breaks and pearls are seen falling to the ground. The ad finishes in the current day where the woman, now in her forties, approves of her much more comfortable underwear in the mirror.

In regard to the complaint that has been made to the ASB under Complaint Reference Number 0098/17, regarding section 2.4 of the AANA Advertiser Code of Ethics, we take the opportunity to refute as follows:

In reference to section 2.4 we disagree that the TVCs treats sex, sexuality and nudity without sensitivity to the relevant audience. The TVCs are designed to promote and celebrate a product range for women in their forties. The actual pearl G-string is not shown at all in the 'Bus' ad.

The Bonds product resolves show the main characters in the privacy of their bedrooms appreciating their comfy undies. The women's poses, movements, and expressions are not sexual in the least. The product is also quite modest in the way it covers their bodies. The close ups at the end of the TVCs are used to highlight product features, including the fit, on the back of the women's briefs. The close ups are intended to be of product, not a body part. The scenes are not intended, nor should they be interpreted, to be sexual in any way. We also refute any inference that women's bodies in underwear or references to underwear are inherently sexual. The tone of these commercials is intended to be fun, humorous and playful, in line with the Bonds brand values.

In reference to section 2.5 we disagree that the TVCs use language which is inappropriate for

the relevant audience. "Pain in the arse" from the 'Bus' TVC is a colloquial everyday term in Australian culture which is the context of where this ad plays out. The phrase is not used in an aggressive or offensive way, but literally to describe uncomfy undies.

The use of the phrase "adding sexy to the city" also in this ad is in reference to a popular women's program, and in no way relates to anything 'sexy' the woman is doing, as addressed above.

In addition, both Comfytails TVCs received a PG classification from CAD allowing it to be broadcast during programs that are P rated. By definition, parental guidance is recommended for programs with a P rating, but they are not classified as children's programming. The intended audience is women in their forties and the classification of the TVC as well as instructions to networks ensures it is not on air during classified children's programming nor during adjacent periods.

We trust upon viewing the TVCs, and our written response, you will agree that the Bonds Comfytails TVCs do not breach the AANA 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 complainants concerns that the advertisement is inappropriate and includes sexualised content and includes inappropriate language.

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

The Board considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience".

The Board noted that this television advertisement shows a flashback scene to a woman on the bus in a very uncomfortable yet fashionable pearl G-string. The bus stops suddenly and her underwear breaks and pearls are seen falling to the ground. A woman on the bus collects the pearls for her. The advertisement finishes in the current day where the woman, now in her forties, approves of her much more comfortable underwear in the mirror.

The Board noted the advertiser's response that the advertisement was depicting a light hearted situation and aimed at women in their forties and providing a solution that is more appropriate and more comfortable.

The Board noted that Bonds are a well-known underwear brand and that it is not unreasonable for an underwear business to show the types of product available to purchase as long as they comply with the Code.

The Board noted the complaint's concerns that the advertisement is inappropriate for children to view and contains inappropriate language.

The Board noted that at the time the woman is standing on the bus holding the support handles and the voiceover describes the underwear and refers to the g-string as having “pearls where pearls are not meant to go.”

The Board noted as the bus comes to an abrupt stop, the pearls fall to the ground. The Board noted that a young male passenger on the bus has a little smile at the sight of this. The Board noted that the woman appears embarrassed and tries not to draw attention to the incident that has happened.

The Board noted the woman (Jenny) does not remove her own underwear on the bus and that the pearls drop as a result of the abrupt stop. The Board noted that there was a clear reference to the pearl g-string at the start of the advertisement and that there was no suggestion that the pearls had been anywhere other than in the form of underwear.

In the Board’s view the woman’s choice to wear a pearl g-string and the following way they fall apart does not have sexual connotations and it is evident that the decision to wear them was not one she was happy with any longer.

The Board noted that the advertisement goes forward in time to the woman in her forties and shows her in front of a mirror admiring her comfortable underpants. The Board noted that in this scene there is no exposed private areas and no inappropriate nudity.

The Board noted that it had considered the same advertisement for Bonds being aired on television at the same time – case 0076/16 and dismissed the complaints.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant viewing audience and determined that the advertisement did not breach Section 2.4 of the Code.

The Board then considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: “Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided”.

The Board noted that after the woman’s underwear fell apart the voice over mentions that “Jenny’s undies went from being a pain in the arse to why she’ll never show her face on the 112 (bus) again.”

The Board noted that the word ‘arse’ is a colloquial phrase and that the Macquarie Dictionary definition of ‘arse’ is: 1. The rump; bottom; buttocks; posterior. The Board note that in this instance the reference to arse is intended to actually mean the underwear is causing discomfort and the use of the word is not used aggressively and is not directed at another person.

The Board acknowledged that some members of the community may find a reference to the word ‘arse’ to be inappropriate but considered that this word is considered part of the common vernacular and in the Board’s view it is not a word which is strong or obscene.

In the Board’s view the overall tone is light-hearted and humorous and the language used is

not inappropriate in the context of describing uncomfortable underwear.

The Board considered the language is not strong, obscene or inappropriate language and determined that the advertisement did not breach Section 2.5 of the Code.

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