



CASE REPORT

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| 1. Complaint reference number | 69/09 |
| 2. Advertiser | Bonds Industries Ltd |
| 3. Product | Clothing |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Portrayal of sex/sexuality/nudity – section 2.3
Health and safety – section 2.6 |
| 6. Date of determination | Wednesday, 25 February 2009 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement from Bonds for its men's underpant range has Pat Rafter and cricketer Michael Clarke playing a casual game of tennis. Michael Clarke is using a cricket bat. At the end of the advertisement Michael Clarke takes off his shorts, turns his back to the camera and catches the tennis ball in the front of his underpants. He then turns around to show Pat Rafter. Pat Rafter shakes his head and the advertisement ends with a screen showing the company logo and a slogan which says: "New active undies".

THE COMPLAINT

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

It offends me, as he turns around with the ball protruding from his pants, simulating a hard-on.

I've just seen a Bonds briefs advertisement with Pat Rafter and that blonde Australian cricketer. It aired at 8.15pm. I found it to be really bad taste. there is enough coarseness in daily life - there's no need for you to add to it by airing such ads. Please tell Bonds of this letter. Also I hope that this letter is going to the right place as this address is the only one I could find, and with difficulty on the Yahoo 7 website.

I am surprised that you want my reasons: surely it is obvious to the average fair-minded person that the image is most objectionable and so should not be beamed into our loungerooms. It should be remembered that TV programs are virtually guests in our homes. Any person behaving in this way would not be a welcome guest in most homes.

I find this rude and insulting watch a ad throught the day. My girls had called me to watch the ad thinking enother ad with the cricket players that my girls like and respect but after watching this ad my girls have secoend thought about whom they follow in the future. The men are wellknown for there excellent of sport.

I think the advertiser should stop relying sport people to advertise the products and think of new nicer ways of advertising the products and use real people lay off these sport people.

THE ADVERTISER'S RESPONSE

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

The Bonds Active brief commercial was created to show our new sports brief in action. To do this we used two of Australia's great sporting heroes, Pat Rafter and Michael Clarke. We wanted to show them enjoying themselves, having a laugh and also wearing our product in a sporting

situation.

We at Bonds are very cautious to produce advertising that we believe to be in good humour and spirit. We spend considerable time researching our target consumer to ensure our advertising always resonates with them in a positive way. In this case, we were talking to 25yr old men and we felt that the interactions portrayed in the commercial were what a couple of mates of this age would do for a laugh with one another.

Our business is to sell underwear and the device of Michael Clarke catching the ball in our new Active underwear was intended to be a playful culmination to our sport's heroes' cheeky, competitive game of cricket bat vs tennis racket. It was not intended to be offensive or sexual in any manner at all. It was intended to be good natured, Aussie humour. It was also a reference back to our soccer ball 'Fit' TVC in which the hero does tricks and ends with catching the ball in his briefs.

We are a family orientated brand and many of us have children. This commercial was shared internally before it going on air and the response was people thought it was all in good fun. At no time was it seen to be gratuitous.

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 depiction of Michael Clarke stripping to his underwear, catching a tennis ball in his underpants and turning towards Pat Rafter with the ball in his pants was inappropriate, had sexual overtones and could potentially encourage young boys to copy the action with possible injury to themselves. The Board considered the application of Section 2.3 of the Code, relating to the treatment of sex, sexuality and nudity and Section 2.6, relating to prevailing community standards on health and safety.

The Board noted that it had previously considered a similar advertisement by this advertiser (314/08) which depicted a soccer ball falling into the man's underwear. In that case the Board determined that:

'...there was no nudity portrayed and the depiction of the boy stripping to his underwear while bouncing a football and then catching the football in his underpants was not sexualised at all. The Board also noted that it was appropriate in the context of the product advertised (Bonds underwear) to show the underwear being modelled. The Board therefore determined that there was no breach of section 2.3.'

The Board considered the present advertisement and noted that there is no nudity in the advertisement and that the depiction of the cricket player stripping to his underwear was not sexualised. The Board also considered whether the image of the cricketer with the ball in his pants was sexually suggestive. The Board considered that the image may be taken by some members of the community as being suggestive of the person being well endowed or sexually aroused. However the Board considered that the advertisement is clearly intended to be humorous and lighthearted and not inappropriately sexual. The Board considered that most people in the community would find the images humorous and light hearted and not strongly sexually suggestive or inappropriate. The Board determined that the advertisement did not breach section 2.3 of the Code.

The Board also considered whether the depiction of catching a tennis ball in your underpants depicted material that was contrary to prevailing community standards on health and safety. The Board considered that being able to catch a ball in your pants was extremely unlikely and was unlikely to cause harm and was not therefore in breach of section 2.6 of the Code.

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