



Case Report

1	Case Number	0074/11
2	Advertiser	Bonds Industries Ltd
3	Product	Clothing
4	Type of Advertisement / media	TV
5	Date of Determination	23/03/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.6 - Health and Safety within prevailing Community Standards
2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience

DESCRIPTION OF THE ADVERTISEMENT

Two girls pick up their girlfriend from work for a weekend away. The office worker gets changed into the Bonds 'bratank' product in the back of the car. Cut to the next morning- the hero gal wakes up and changes back into her bratank. She shares a tea and a laugh with her friend on the balcony of the holiday house.

THE COMPLAINT

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

The advertisement uses a narrative to advertise particular items of Bonds clothing - singlet's for women. A young woman arrives at a friend's house in an old Falcon and the friend gets into the car - obviously they're going on some kind of journey. Cut to the friend in the back seat of the car changing her top as her friend drives away - and not using a seatbelt. The emphasis of the footage is on how great the friend feels in her Bonds top.

The ad subsequently cuts to footage of the friend looking out over a rural sunset from the verandah of a period house - again still blasted I hope it's obvious - to pitch an ad at any audience (let alone a young audience) that completely and deliberately ignores road safety legislation is highly negligent. The tone of the ad is 'be carefree' (in fact I think the tag in the final scene is something like 'be supported' - a tad ironic) - it's a discouragement if you like from caring about the workaday world and its constraints and a call to 'freedom'. Which

evidently includes not wearing a seatbelt over your fabulous Bonds singlet? Having lost a teenage cousin to a road accident I find this profoundly thoughtless if not offensive. I can't remember whether the driver of the car in the ad is wearing a seatbelt but the ad concentrates mainly on her friend - who's more than happy to dive into the back seat of the car jump about gleefully to change her clothes while the car's on the road and not bother with a seatbelt at all. This flies in the face of current road safety legislation around mandatory seatbelt use and in view of statistics on young Australians' road deaths it's simply inexcusable. Out in her Bonds top.

Main issue for me is the absence of seat belts worn by all 3 occupants of the car as well as the driver at one stage turning fully around to look at the person in the back seat whilst driving the vehicle.

In view of the overwhelming statistics relating to death or injury of young drivers I feel this ad is grossly irresponsible and does not support the constant messages put forward in regard to road safety and responsible driving.

The woman in back seat of car does not wear a seatbelt. This could encourage younger audiences that it is ok not to wear one if they having fun with their friends.

BONDS UNDERWEAR HAVE DONE SOME GREAT COMMERCIALS ADVERTISING YOUNG GIRLS UNDERWEAR BUT THIS TIME THEY HAVE MISSED THE FACT OF SAFE DRIVING. TO SEE YOUNG GIRLS DRIVING IN A CAR GETTING CHANGED AND NOT WEARING SEAR BELTS IS NOT A GOOD EXAMPLE

None of the women in the vehicle are wearing seatbelts and a message appears on the screen stating that seatbelts were worn during filming. Problem is they are presented as not wearing seatbelts at all time during the ad. Not a seatbelt in sight. I object to the ad because it gives the impression that it is somehow cool for young people to travel in vehicles without wearing belts. Very poor on Bonds part.

The ad seems to focus more on the young girl's semi-nude body (such as her bum) rather than on the actual bra itself. It also portrays young girls in a manner that makes them look stupid immature and as objects of male desire.

THE ADVERTISER'S RESPONSE

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

The Bonds team take road safety very seriously, as you can see by our actions below.

In the development of the BraTank commercial we were very conscious of working with all the authorities to be compliant for road safety.

The car featured in the ad was an old model (a Ford Fairmont released in 1965) and therefore fitted only with lap belts. The Victorian Roads Authority state (see attached for reference) that the vehicle used does not require rear belts as mandatory seat belts in the rear did not come in till 1971. Although we were not required to use seatbelts we had lap seatbelts installed to ensure our girls were safe. We have the receipt for this should you wish to have a copy.

In addition to this we placed a very large super stating 'seatbelts worn during filming' across the first 3 seconds of the commercial to ensure our viewers know these seatbelts were worn. We absolutely did not want any miscommunication on this front. We also worked with CAD to get their approval of the commercial before it ran. They approved the time frame of the super and the size - but after airing we, out of our own initiative brought up the size and time to ensure it was very hard to miss. Again, safety on the roads is not something we take lightly!

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 features girls in a moving car not wearing seatbelts, and in one scene there is a close up of a young woman’s semi-nude body which portrays her as an object of male desire.

The Board reviewed the advertisement and noted the advertiser’s response.

The Board considered whether the advertisement complied with section 2.3 of the Code. Section 2.3 states: ‘...shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone’.

The Board noted that the advertisement is for Bonds underwear and that in the final scene a young woman gets out of bed, walks on to her balcony and stretches. The Board noted that the camera closes in on her so that we can see the singlet and underpants she is wearing more clearly, and considered that the focus was on the product and not the woman’s body. The Board considered that there is a focus on the advertised product and no suggestion in the advertisement of the girl being an object for men to desire and the advertisement is not sexualised.

Based on the above the Board determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and that it did not breach section 2.3 of the Code.

The Board then considered whether the advertisement was in breach of section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted the advertiser’s response that the car featured in the advertisement was a Ford Fairmont released in 1965 and therefore fitted only with lap belts. The Victorian Roads Authority (Vehicle Standards Information 21, Summary of Seat Belts and Child Restraint Fitting Requirements, January 2000) state that the vehicle used does not require rear belts as mandatory seat belts in the rear did not come in till 1971, and that the advertiser had lap seatbelts installed to ensure the girls were safe. The Board noted that at the start of the

advertisement the text “seatbelts worn during filming” appears on the screen. The Board considered that it was realistic that viewers would note that the car was an old car and might have alternative seatbelts. The Board considered that the advertisement did not encourage people to drive without seatbelts.

The Board also noted the image of the driver turning around in her seat. The Board considered this was simply a glance in to the rear seat and that the driver appeared to be in control of the vehicle.

The Board determined that the advertisement did not depict “material contrary to Prevailing Community Standards on health and safety”

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