



## Case Report

1	Case Number	0076/17
2	Advertiser	Pacific Brands Holdings Pty Ltd
3	Product	Lingerie
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	22/02/2017
6	DETERMINATION	Dismissed

### ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 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 woman is embarrassed and another bus rider hands her some pearls from 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:

*It's disgusting.*

*It's demeaning to women.*

*It's sexual, at a time when children are watching, and likely to lead to some very awkward questions.*

*It's just wrong on every level.*

*Shame on you, Bonds.*

*The advert alludes to the pearls falling out of her vagina.*

*The word ASS is used.*

*It's very inappropriate and has absolutely nothing to do with pitching a sale for underpants. It is gross and disgusting.*

*I was totally offended by this ad as it is so inappropriate for TV when children in particular are watching. My 10 year old niece asked her mum where were the pearls and her mother did not know what to say. This ad is of a sexual nature and should be removed from TV immediately it does nothing in regards to promoting the sales of their undies and I for one will refuse to buy anything.*

*They swear on TV advertising and at a time when kids watch TV. They used the word 'arse' and that is not an appropriate word for TV advertising or to advertise clothing or that kids should be subject to through TV at home. Also there should not be a woman in her underwear on TV at this time. It is inappropriate.*

*Very distasteful and sexist*

*I wasn't offended by the product, but the fact that the word "arse" was used in an ad during an early Movie at 7:30pm!!! My 3 children and I were watching "The Dinosaur Project" when it came on. I've never heard that word in an ad before, especially in that timeslot.*

*I don't think that they need to use coarse language in the ad. In the ad they said that they won't "go up your a#@e".*

*Bad language is not necessary and a lot of people have small children home during the day.*

*They use the term "pain in the arse"*

*Afternoon TV. I have children. Quite inappropriate*

*Girl wearing gstring taken off in toilet for Bonds underwear ad. Content of ad is offensive to me and my children. Not suitable for 5.50pm time slot.*

*The background voice-over on the commercial referred to the woman wearing a thong, but the offensive bit was when the bus came to an abrupt stop, pearls spilled from underneath the woman's dress, whilst the voice-over made a reference to the woman being embarrassed by losing pearls, from where they were never meant to be. The voice-over made reference to "anal beads" often referred to as pearl necklaces. This is totally inappropriate for television and is offensive!*

*The pearls dropping down from under her dress when her G string breaks thankfully went over my 6 yr old's head - thankfully my 8 year old wasn't watching. The biggest issue I have is that they then go to call them a 'pain in the ass'. Followed by bring sexy back. This is during a kid's program. I make an effort not to subject my children to such language, why should ads be allowed?*

## **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 three complaints against the Bonds Comfytails 'Bus' TVC, specifically relating to the following sections of the AANA Code of Ethics: 2.4 – Sex, Sexuality and Nudity (general), 2.5 – Language, Inappropriate Language*

*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 call 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 0076/17, regarding sections 2.4 and 2.5 of the AANA Advertiser Code of Ethics, we take the opportunity to refute these as follows:*

*In reference to section 2.4 we disagree that the TVC treats sex, sexuality and nudity without sensitivity to the relevant audience.*

*The TVC is designed to promote and celebrate a product range for women in their forties. The actual pearl G-string is not shown at all. The Bonds product resolve shows the main character in the privacy of her bedroom appreciating her comfy undies. Her pose, movements, and expressions are not sexual in the least. The product is also quite modest in the way it covers her body. The close up at the end of the TVC is used to highlight product features, including the fit, on the back of the woman's briefs. This close up is intended to be of product, not a body part. The scene is not intended, nor should it 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 this commercial is intended to be fun, humorous and playful, in line with the Bonds brand values.*

*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, and the woman is not seen actually removing her underwear in 'Meet the Parents'. 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 TVC uses language which is inappropriate for the relevant audience. "Pain in the arse" 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.*

*We also refute one complainant's claim that our voice over references "anal beads" or "pearl necklaces". The TVC clearly explains the pearls as belonging to an uncomfortable pearl thong which had "wedged (its) way into fashion".*

*The use of the phrase "adding sexy to the city" 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 TVC, and our written response, you will agree that the Bonds Comfytails 'Bus' TVC does 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 advertisements are inappropriate and include sexualised content and 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 there are two television advertisements being referred to in this case.

The first one 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 second one shows a flashback scene of a woman meeting her partner's parents and trying

to make a good impression but she is uncomfortable because of her underwear choice. She enters the bathroom to remove her g-string and attempts to flush the item down the toilet which does not work. The voice over refers to the flashback and talks about the g-string being the “dental floss of satan.”

The Board noted the advertiser’s response that these advertisements are depicting light hearted situations and are aimed at women in their forties, providing a solution that is more appropriate and more comfortable than that of what they may have chosen in their twenties.

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 complainant’s concerns that the advertisement is inappropriate for children to view and contains inappropriate language and sexual innuendo.

The Board noted that the “bus” advertisement depicts the woman is standing on the bus holding the support handles and the voiceover describes her 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 complainant’s concerns that the advertisement alludes to the pearls falling out of her vagina. 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 design of her underwear.

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. 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 now being regretted.

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.

In the second advertisement, “meet the parents,” the woman enters the bathroom to remove her g-string and attempts to flush the item down the toilet which does not work.

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

The Board noted that at no time was the woman seen naked. The Board noted that in the bathroom scene, the woman does remove her underwear – a pink g-string, and is looking for somewhere to put it. In the Board’s view she did not remove her underwear in a seductive or tantalising way and there was not sexual connotation associated with this, rather a clear need

for comfort.

The Board noted that the woman holds the g-string up while she is searching for a way to hide or dispose of it. The Board noted that the suggestion was that the woman left the bathroom with no underpants on but that the woman remained covered by her skirt and there was no inappropriate nudity.

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 the advertisements had been given a 'PG' rating by CAD and that the advertisement had been aired in the appropriate time for the rating.

The Board considered that both advertisements are of a similar tone and that in both scenarios the advertisements did treat the issue of sex, sexuality and nudity with sensitivity to the relevant 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 particularly when children may be watching. The Board noted that the advertisement has been given a 'PG' rating by CAD and that the advertisement had been aired in the appropriate time for the rating.

In the Board's view this word is considered part of the common vernacular and 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 that the language is not strong, obscene or inappropriate language and determined that the advertisement did not breach Section 2.5 of the Code.

The Board noted that it had considered the same advertisement for Bonds being aired on Pay TV at the same time – cases 0090/17 and 0098/17 and dismissed the complaints.

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