



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0087/19
2	Advertiser	Hanes Brands Inc
3	Product	Lingerie
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	03/04/2019
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Gender

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features women in an office environment. Their bras begin to speak to each other, and another woman enters whose bra does not speak.

THE COMPLAINT

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

I am very offended that on international womens day, this company, being largely manufacturers of womens clothing depict women in a professional setting with "talking bras". This depiction was not well thought through and is demeaning and degrading to professional women.

Men would never be depicted in this ridiculous manner. The messages implied in this advertisement are offensive and stupid. The advertisement depicts poor messages about young women that can be misinterpreted by young men. That women are thinking about bras in a professional meeting has significant negative implications. Precisely, that young professional women are a source of ridicule due to gender differences.



THE ADVERTISER'S RESPONSE

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

We refer to the Ad Standards letters dated 19 March 2019 in relation to complaint reference no 0087/19. Hanes Innerwear Australia Pty Ltd (Berlei), a wholly owned subsidiary of Hanes Brands Inc., owns the Berlei brand in Australia and New Zealand. While the complaint identifies item 2.1 of the Advertiser Code of Ethics (Code), we have reviewed the advertisement in question (the Advertisement) against all the provisions of Section 2 of the Code. We have carefully considered the Code and submit that the Advertisement does not breach any part of section 2 of the Code for the reasons set out below.

Before looking at each provision in Section 2 of the Code we wish to describe the Advertisement and the rationale behind its creation. Berlei is an intimates brand that manufactures, markets and retails bras and underwear for women. Berlei aims to design bras for all occasions and all women, whatever she prefers. Everything Berlei creates is thoughtfully designed to make women feel comfortable and confident. In making this Advertisement for Berlei's new T-Shirt bra UnderState, the intention was to show those moments when a woman doesn't want her bra to do the talking or take all the attention away from her. The Advertisement depicts a number of women in an office environment, dressed in professional work attire, discussing a work issue. Their bras "talk" in a light hearted and humorous way to illustrate that they can be seen despite the professional office attire the women are wearing.

Berlei acknowledges a woman's right to wear whatever bra she wants, whenever she wants and that's why we make a range of bras, for all occasions, in a range of shapes, styles & sizes. However, sometimes women want a quieter bra that is discreet under clothing. In developing its bras, Berlei's designers talked to women daily and "invisible" and "not distracting" come up frequently as things women are looking for in a T-shirt bra. In developing the Advertisement we took a light-hearted approach to dramatise this problem in a humorous way. Berlei never intended to demean women or suggest that they are thinking about their bras during a work meeting, but rather acknowledge those moments when a bra makes itself known, sometimes unintentionally.

This Advertisement has been given a 'G' rating by CAD in Australia, and has been approved for use by Google. As well as being available online, the Advertisement is aired on Free to Air television and has been scheduled so that it is not intended to be shown during any free-to-air programming targeting children.

Addressing each part of Section 2 of the Code, the relevant provisions and our comments in relation to each are as follows:



2.1 Advertising or Marketing Communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.

There is nothing discriminatory or vilifying contained in the Advertisement. The message of the Advertisement is to empower women to invest in themselves by choosing the right bra for every occasion, including everyday wear, and responds to a need identified by many women in the community. It shows a modern work place full of women, acting in a respectful and supportive manner to each other and none of the language used, either in terms of the words, tone or otherwise, in any way discriminates or vilifies any section of the community.

There is also nothing within the Advertisement that describes or depicts any negative, unfair or less favourable treatment of women, or of any other person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief. The Advertisement is not suggesting that women cannot focus on the work at hand in a modern work environment but is addressing the nuisance factor that a visible bra can have when that is not wanted.

2.2 Advertising or Marketing Communications shall not employ sexual appeal: (a) where images of Minors, or people who appear to be Minors, are used; or (b) in a manner which is exploitative or degrading of any individual or group of people. There are no images of Minors used in the Advertisement. Further, the Advertisement does not employ any sexual appeal, let alone in an exploitative or degrading manner. Simply having an advertisement where a bra is visible beneath clothing does not automatically amount to "sexualisation" and there is nothing in the Advertisement that takes advantage of the sexual appeal of women, by depicting them as objects or commodities.

2.3 Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised. There is no violence present or portrayed in the Advertisement.

2.4 Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

This Advertisement has been given a 'G' rating by CAD in Australia, and has been approved for use by Google. As well as being available online, the Advertisement is aired on Free to Air television and has been scheduled so that it is not intended to be shown during any free-to-air programming targeting children. It is not sexually suggestive and does not depict any nudity.

2.5 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.

There is no strong or obscene language in the Advertisement. All language used in the Advertisement is everyday language appropriate to the products being advertised and the intended audience.

2.6 Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

The Advertisement does not depict material contrary to Prevailing Community Standards on health and safety.

2.7 Advertising or Marketing Communications shall be clearly distinguishable as such to the relevant audience.

The Advertisement is clearly recognizable as an advertising or marketing communication to the relevant audience.

On the above bases, we submit that the advertisement does not breach any provisions of the AANA Code of Ethics.

If you require any further assistance or information please do not hesitate to contact me.

THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants' concern that the advertisement is discriminatory towards women.

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

The Panel noted that this television advertisement features women in a meeting. The women's bras talk to each other and the women are shown to be uncomfortable in their bras.

The Panel considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.'

The Panel noted the complainant's concern that the advertisement is demeaning and degrading to women by implying that women in a professional setting will only be



thinking about their bras and that this makes young professional women a source of ridicule due to their gender.

The Panel noted the Practice Note to Section 2.1 provides the following definitions:

“Discrimination – unfair or less favourable treatment.

Vilification – humiliates, intimidates, incites hatred, contempt or ridicule.”

The Panel noted that an advertiser is able to address a problem that their product solves, provided that advertisement complies with the terms of the Code. The Panel noted the advertiser’s response that their research indicates women want a bra that is “invisible” and “not distracting” and that the advertisement takes a light-hearted and humorous approach to dramatize this problem.

The Panel considered that the advertisement does not show the women as being unable to perform their work, not focussed on their work, or being in any way less capable because their bras are uncomfortable. The Panel considered that although the bras speak to each other, the women in the advertisement are clearly focussed on their meeting. The Panel noted that the advertisement features a meeting of only women, and that this representation is a positive depiction of women in a business setting.

The Panel considered that the advertisement demonstrates how uncomfortable some fancy bras can be to demonstrate the comfort and discreetness of their product.

The Panel considered that the advertisement is representing a situation where women are uncomfortable in their bras and considered that this representation does not show any women to receive unfair or less favourable treatment. Nor is it a depiction which humiliates, intimidates, incites hatred, contempt or ridicule for the women in the advertisement or women in general.

The Panel considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of gender and determined that the advertisement did not breach Section 2.1 of the Code

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaints.

