



**ADVERTISING  
STANDARDS  
BUREAU**

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## Case Report

1	Case Number	0105/14
2	Advertiser	Aussiebum
3	Product	Lingerie
4	Type of Advertisement / media	Transport
5	Date of Determination	09/04/2014
6	DETERMINATION	Dismissed

### ISSUES RAISED

2.4 - Sex/sexuality/nudity S/S/N - general

### DESCRIPTION OF THE ADVERTISEMENT

The advertisement in question is an aussieBum underwear bus campaign. It depicts an Australian male model wearing men's underwear. He is sitting down and also wearing a blue vest with the sleeves cut off and country farmer style hat. The model is featured in 40% of the visual layout with the underwear occupying approximately 10% of the picture. The red underwear is shown from the front only, at an angle.

### THE COMPLAINT

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

*This ad is inappropriately pornographic and a huge size on the back of a bus.*

### THE ADVERTISER'S RESPONSE

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

*This campaign style advertisement has featured in numerous media publications including The Sunday Telegraph – Sydney, print publication and Men's Health, billboard above Military Rd in Mosman. Since using this image approx. 3 months ago there have been no complaints raised directly or indirectly regarding this advertisement or any other advertisement that features this image. The objective of the advertisement was to promote the*

*aussieBum brand and its underwear. The advertisement style fits into the style guide that has been part of the aussieBum brand for over 14 years now. There has been no special treatment of the image. The focus of the advertisement is on the male form as a whole, the slogan for the campaign and the aussieBum logo. The decision was made to have the model wear a vest for the campaign to ensure it does not overly solicit the male body image. It was never our intention to create a campaign that would be seen as inappropriate. Our brand's culture is one of being fun, cheeky and very proud to be Australian.*

## **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 complainant’s concerns that the advertisement depicts a pornographic image and that it is not appropriate for outdoor display.

The Board viewed the advertisement and noted the advertiser’s response. The Board noted that advertisement features a young man in a reclined position wearing only underpants, a hat and an unbuttoned shirt. The text on the left of the image reads AussieBum "selling sexy underwear" and the business website.

The Board first considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: “Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.”

The Board noted that in order to breach this Section of the Code the images would need to be considered both exploitative and degrading.

The Board noted that some members of the community may consider the use of an image of a man reclined in his underpants to be exploitative. In the Board’s view the man is presented in a manner which may be considered flattering and positive in its depiction of an attractive man rather than degrading.

The Board determined that the advertisement did not breach Section 2.2 of the Code.

The Board then 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 the man in the image is intended to feature the underwear worn by the model and that it is reasonable for the advertiser to feature their products in their advertising. The Board noted that the model is wearing only underpants and an open shirt and that this style of dress would not usually be associated with outdoor work. The Board noted that it is acceptable to use an attractive model in order to promote underpants and that the emphasis on the underpants is directly related to the product being sold.

The Board noted that the advertisement also states “selling sexy underwear.” The Board considered that the use of the term sexy in the context of selling underwear was not inappropriate and in proximity to the image did not amount to a sexualised image. The Board noted that the use of the advertisement on the back of a bus did mean that there would likely be a broad audience that would include children. The Board considered that although the image could be seen by a broad audience the image was not inappropriate in the context of the product being sold and that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

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