



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0118/19
2	Advertiser	Hanes Brands Inc
3	Product	Clothing
4	Type of Advertisement / media	Internet - Social
5	Date of Determination	08/05/2019
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.2 - Objectification Degrading - women
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

This YouTube advertisement depicts a man and a woman in bed. The man gets up to answer the door and is faced with many photographers and people yelling questions. He closes the door and goes down the hallway, passing the woman. She asks who was at the door and he replies that's it's for her.

THE COMPLAINT

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

Just wrong on so many levels. Horrified when I saw it. Always thought bonds was a family product. Definitely won't let my 10 year d girl wear bonds again. What I found offensive about this advertisement was that in the morning when the door bell rings and Dustin Martin answers it to find reporters who asks so how was your night? he close the door and then says it was for you to the girl who is in bed with him. It implies that the reporters want feed back on how her night was after spending the night with Dustin Martin. Its degrading to women and portrays women who spend



the night with men and in this case a football player as a butt of a joke and suggests that he has provided her with a good night. Given that reporters often interview football players after matches to ask how the game was and how they performed it suggests that the woman should report how Dustin Martin performed and if she had a good night. Why does she have to provide feed back to reports on her night and tell hem if she has had a good night due to dustin martin. I am just extremely disappointed to see add like this being made especially given the culture that surrounds some sporting players and their attitude towards woman and consensual sex and the sharing and recording of sexual conquests. I didn't think bonds would vey stoop this low, especially when in the past bonds advertising has promoted and celebrated women of every shape and size and women as strong individuals.

THE ADVERTISER'S RESPONSE

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

Please find the response to the complaints against the Bonds (Hanes Brands) 'Good Night' Underwear online video, specifically relating to the following sections of the AANA Code of Ethics: 2.1 Discrimination or Vilification Gender, Objectification Degrading – women, 2.4 – Sex/Sexuality/Nudity (general).

Bonds is an underwear and apparel brand, best known for creating fun and fashionable undies for the whole family. On 1st of April 2018, Bonds launched our Good Night campaign, a new youth focused range of modern, comfy sleepwear.

The Good Night campaign tells the story of brand ambassadors Dustin Martin & Maia Cotton being woken up in their Bonds Comfy Livin sleepwear by a knock on the door. Maia lightly shakes Dustin to wake him and asks him to get the door. Dustin leaves the bed to answer the door and is met with an overwhelming number of paparazzi, a nod to the famous scene from Notting Hill. Not wanting to deal with them he shuts the door and walks back toward bed. He is met by Maia in the hallway who is curious as to who was at the door. With a smirk on his face, he cheekily sends her to the door to deal with the paparazzi stating 'it's for you'.

In regard to the complaints that have been made to the ASB under Complaint Reference Number 0119/19, regarding section 2.1, 2.1 and 2.4 of the AANA Advertiser Code of Ethics, we take the opportunity to refute as follows:

The video is designed to promote a range of sleepwear styles. The activities undertaken by the characters in this ad are what would be expected to be done by anyone sleepwear. While the male and female characters share a bed – they both wake up fully clothed. While they may have shared a bed, this ad doesn't not show that they 'spent the night together' as it is being implicated in the complaint.



The paparazzi in the fictional video are asking 'good night?'. This is a cheeky play on words as they could be asking about a good night sleep in his new Comfy Livin pyjamas or a good night out on the town. This does not imply that the female talent had any role in bringing this question to life. Furthermore, it certainly doesn't imply she has to comment on her performance when answering the door.

For the above reasons, we assert this ad also complies with section 2.1 2.2 & 2.4 of the Code, as well as all other parts of section 2.

We trust upon viewing the creative and our written response you will agree that the Bonds 'Good Night' online video does not breach the AANA Advertiser Code of Ethics.

THE DETERMINATION

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

The Panel note the complainant's concerns that the advertisement is degrading to women, portrays women as the butt of a joke and featured sexual themes inappropriate for the audience.

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

The Panel noted the advertisement features AFL player Dustin Martin and model and social media influencer Maia Cotton. The advertisement features the couple in bed together to promote the range of Bonds sleepwear. Dustin Martin gets out of bed to answer the door where he is greeted by a group of paparazzi asking questions, with one asking 'Have a good night Dustin'. Dustin closes the door and tells Maia Cotton that it (the door) is for her.

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 concerns that the advertisement portrays women as a butt of a joke in suggesting that the woman in the advertisement should report on the male's performance.

The Panel noted the advertiser's response that the reporter's comments on Dustin Martin having a good night was not a reference to spending the night with Maia Cotton.



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

“Discrimination – unfair or less favourable treatment

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

The Panel considered that the woman featured in the advertisement is a well-known model and social media influencer. The Panel considered that the paparazzi outside of the door could actually have been waiting for her, not Dustin Martin, and that his comment ‘it’s for you’ was a reference to her being more likely to give an interview and appear in the media than him.

The Panel considered that there was nothing in the advertisement that would suggest that Maia Cotton was not in a position of power or that she was receiving unfair or less favourable treatment.

The Panel considered that the reference is to the product being so comfortable that you feel comfortable going out in it.

The Panel noted that the advertisement was a humorous reference to a scene in the movie Notting Hill and while the tone of Dustin Martin’s comment was cheeky, it was not suggestive and it was not suggesting that Maia Cotton was being humiliated or ridiculed.

The Panel considered that both Dustin Martin and Maia Cotton would be used to being in the media eye and in the context of the advertisement Maia Cotton would not have been surprised by media at the door.

The Panel considered that the advertisement did not discriminate against or vilify the woman on the basis of her gender.

The Panel determined that the advertisement did not breach Section 2.1 of the Code.

The Panel considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states:

“Advertising or Marketing Communication 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.”

The Panel noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:



Exploitative - (a) taking advantage of the sexual appeal of a person, or group of people, by depicting them as objects or commodities; or (b) focussing on their body parts where this bears no direct relevance to the product or service being advertised. Degrading – lowering in character or quality a person or group of people.

The Panel noted the complainant's concern that the advertisement was degrading to the woman by suggesting that a woman who spends the night with a famous man is the butt of a joke.

The Panel noted the advertiser's response that the advertisement was to promote Bond's new range of sleepwear and there was nothing in the advertisement which was suggestive of the couple having done anything but sleep.

The Panel first considered whether the advertisement contained sexual appeal.

The Panel considered that the depiction of two attractive, well-known people waking up and walking around in Bonds sleepwear is a depiction that would constitute sexual appeal.

The Panel then considered whether the advertisement was exploitative.

The Panel considered that the two people in the advertisement were clearly depicted as being in an equal relationship where both are real people interacting respectfully and that there is no suggestion of either person being objects or commodities. The Panel considered that there was no focus on the body parts of either the man or the woman in the advertisement, and the depiction of them wearing sleepwear was relevant to the product being advertised. The Panel considered that the advertisement did not employ sexual appeal in a manner which is exploitative of the couple.

The Panel then considered whether the advertisement was degrading.

The Panel considered that both Dustin Martin or Maia Cotton are well-known and the couple are depicted in an equal and respectful relationship. The Panel considered that the focus of the advertisement was on the humorous reference to a scene from Notting Hill and was not a suggestion that the woman was lowered in character or quality. The Panel considered that the advertisement did not employ sexual appeal in a manner which is degrading of the couple.

The Panel considered that the advertisement did not employ sexual appeal in a manner which is exploitative or degrading to any individual or group of people and did not breach Section 2.2 of the Code.

The Panel 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 Panel noted the complainant’s concerns that the advertisement contained content inappropriate for children and was suggesting that the woman should report of the sexual performance of Dustin Martin.

The Panel noted the advertiser’s response that the advertisement was to promote Bond’s new range of sleepwear and there was nothing in the advertisement which was suggestive of the couple having done anything but sleep.

The Panel considered that the advertisement is a humorous reference to the movie Notting Hill and that there was nothing in the content of the advertisement itself which was suggestive of sex or sexual activity.

The Panel considered that the paparazzi’s reference to Dustin Martin having a good night may be taken in the context of spending the night with Maia Cotton, but could equally be interpreted to be about having gone out the previous night or if he is enjoying the sleepwear range.

The Panel considered that Dustin is depicted wearing pyjama pants and Maia Cotton is wearing a pyjama shorts and singlet set and that there is no nudity in the ad.

In the Panel’s view the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience and the Panel 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 Panel dismissed the complaints.

