



Case Report

1	Case Number	0121/11
2	Advertiser	Pacific Brands Holdings Pty Ltd
3	Product	Clothing
4	Type of Advertisement / media	Poster
5	Date of Determination	27/04/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience

DESCRIPTION OF THE ADVERTISEMENT

Image of women wearing black Berlei underwear with the words "Boost" "Enhancer" or "Coverage" written below their bras as descriptors.

The text at the bottom reads "Fabulous Fit. Available at David Jones, Myer and selected speciality stores."

THE COMPLAINT

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

I believe this advertisement is provocative and exposes too much of the women's body and I strongly believe that is totally unacceptable because it being in the viewing of younger children. Children especially boys should not see such images because it arouses curiosity that leads to sexual nature.

THE ADVERTISER'S RESPONSE

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

We strongly reject the notion that the advertisement in question is "provocative and exposes too much of the woman's body".

Berlei is an iconic Australian bra brand, with strong brand recognition and visual association. The advertising visually depicts our core offering – that is, good fitting bras for everyday Australian women - and the nature of the Berlei business requires us to create advertising that shows our product.

The advertising, promoting styles in the new "Fabulous Fit" range, does not feature "provocative" poses and we reject claims that the Berlei images arouse "'curiosity that leads to sexual nature'".

Berlei's advertising consistently draws on its inspiring, stylish, bold, honest and fun brand personality, and this advertisement is no exception.

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 features inappropriate images of women and can be viewed by everyone.

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

The Board considered whether the advertisement was in breach of section 2.3 of the Code. Section 2.3 of the Code states: "Advertising or Marketing Communications 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 features images of women, wearing black underwear and includes text to describe the style of bra support.

The Board noted that it was reasonable for an advertiser to depict its products being modelled in its advertising and that the depiction of women in underwear is not of itself sexually suggestive or sexualised. The Board considered that the pose of the models was not sexually explicit or sexually suggestive and that the images are in keeping with a tasteful depiction of the advertised product as it is intended to be worn.

The Board noted that the size and placement of the posters meant that the relevant audience was broad and could include children.

Considering that the advertisement was not sexualised, and that the women in underwear were not posed in a sexually provocative manner, the Board considered that most members of the community would find the imagery inoffensive and that the images were not inappropriate for viewing by children. 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.

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