



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0153-20</b>
<b>2. Advertiser :</b>	<b>Global Shop Direct</b>
<b>3. Product :</b>	<b>Lingerie</b>
<b>4. Type of Advertisement/Media :</b>	<b>TV - Free to Air</b>
<b>5. Date of Determination</b>	<b>13-May-2020</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity  
AANA Code of Ethics\2.6 Health and Safety

### DESCRIPTION OF ADVERTISEMENT

This two minute television advertisement features the audio:

Ladies... what's the first thing you take off when you get home? Your bra. Underwire digs.. ouch. And Back fat from bra straps is embarrassing. Introducing Sarah Mia. A bra so supporting and flattering...Yet SO comfortable...You won't even know you're wearing a bra. Look and feel 'Sarah Mia' good from the front....the back...the sides...even the straps. The secret is Sarah Mia's DOUBLE conforming lifting straps. The lace strap is a LIFTING wrap. Just criss, and cross... to be cradled in comfort, and youthfully lifted. Sarah Mia comes with adjustable support straps...So you get double the support...Double the comfort...And DOUBLE the smoothness...All, without underwire. Sarah Mia gives you 360 degrees of soft, BREATHABLE fabric. Designed with front & back cooling mesh ventilation... so hot air flows out, and fresh air flows in.

Testimonials:

- Chenai: "I am literally obsessed with this bra"
- Gloria: "It is super functional & super comfortable."
- Hailey: "It feels like I'm wearing nothing."
- Gloria: "I mean look at it...Love it!"

That's a bra that your body is supposed to fit...THIS is a bra that fits perfectly to YOUR body. Sarah Mia Fits all shapes...And supports all sizes. A bra so supporting and flattering...Yet SO comfortable...You won't even know you're wearing a bra. So no more cutting straps...No more poking underwire...And no more unsightly back fat.



Call Global Shop Direct or go online to order Sarah Mia in your choice of Black, White, or Nude, for the low price on your screen. Want even more value? Upgrade your order and save with our Value three Pack. You'll get 1 black, 1 white and 1 nude bra – and save an amazing \$70. If Sarah Mia isn't the most comfortable, soft bra you've ever worn, just send it back within 30 days for a full refund of the product price. Finally a bra that fits perfectly to your body. Order Sarah Mia today.

This television advertisement features the video:

- On screen text states: Ladies. What's the first thing you take off? Your Bra.
- The vision and announcer then show a number of common challenges women experience with bras and bras with underwires
- The SaraMia bra is then introduced and displayed, on screen, with the model showing how the Cross Cross support bands attach.
- Before and After photos are then featured of someone wearing a another bra brand, and the difference to the result when wearing the SaraMia Bra. The models stand straight to camera, arms by their sides, and smiling.
- The Before and After photos and the voice over talk through SaraMia bra looks (and feels) good from the front, back, straps and sides
- The vision and voice over then demonstrate what makes the SaraMia bra different, by showing how the Criss Cross lifting straps work to make you feel comfortable and lifted
- The voice over then talks to how the adjustable straps give the customer further support. The vision shows more before and after vision, some images show comparisons of other bras vs. SaraMia (bras only), and other images show the how SaraMia bra compares and looks against another branded bra with a shirt over the top of the bra. All without underwire.
- The voice over and vision then showcase how soft and breathable fabric is of the SaraMia bra, with the model in the bra rotating 360 degrees on the spot to demonstrate this.
- The vision then shows two images, of the front and back mesh ventilation panels, in close up to display this feature.
- Three women then give testimonials, talking to the camera about their positive experience/how much they like/love the SaraMia bra
- The ad then shows an ill fitting bra, and the voice over talks to bras 'you're supposed to fit' and shows the model feeling unhappy with the poor fit. Then the ad shows the same model wearing the SaraMia bra, but this time she is not disappointed, but is happy and confident.
- The ad shows further before and after images, and talks to the benefit that the bra fits all shapes, and supports all sizes.
- The ad shows again how the supporting Criss Cross lifting straps attach. And how supportive and flattering the SaraMia bra is.
- The ad repeats the demonstrations from the opening of the ad that visually shows the common challenges women experience with bras, and bras with underwires.
- The ad then proceeds to the call to action and presentation of the pricing, with details about where to purchase (online or call Global Shop Direct), the colour options, the opportunity to save money if you buy a value 3 pack of the bras, and



finally the 30 day money back guarantee that is included with the bra purchase, for any consumer wanting to change their mind during 30 days, and get a refund of the product price if they are unsatisfied with the product.

- The add closes with another call to action to order SaraMia today.

### **THE COMPLAINT**

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

*The add is for a bra, while this seems ok, during the add, it features females posing for photos while this would seem ok, when people are talking about the bra the videos is showing cleavage and not much of the person doing the talking, With children now home during the day time this sort of advertising is not acceptable.*

*Female body shaming, with remarks such as “embarrassing back fat” as it shows female bodies. This are very damaging accusations for females. It also shows “before” and “after” pictures which are supposedly to reflect “bad” and “good” visuals of the female form. Most likely retouched images as well. This kind of communication and language is toxic and un acceptable; are women supposed to feel crap about themselves? Especially in these times of fragility. Ironically not much later, adverts for mental health are aired on this channel. Horrendous behaviour by ad standards in Australia.*

*At this prime viewing time, particularly during a national news service, my wife and I find it offensive and totally unsuitable for viewing by young children. Sections we deem as rather rude and explicit,*

### **THE ADVERTISER’S RESPONSE**

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

#### *Overview*

*Thank you for the opportunity to address the complaints mentioned above. Global Shop Direct takes the health and safety of the community and the Ad Standard Code of Ethics seriously, and take a considered and measured approach in our advertising practices, to ensure we do not breach the Code of Ethics.*

*We have reviewed and assessed the complaints below.*

*With confidence we believe we have not breached the Code and that the advertisement in question is respectful, relevant and appropriate advertising. The below information has been provided to assist in proving this fact, with the request that these complaints be dismissed by the Community Review Panel.*

#### *Relevant Ad Standards Determinations:*

*Where the product claimed to be ‘Rude & Explicit’, and showing cleavage.*



*The below determinations site similar complaints raised, and dismissed by Ad Standards, with concern to what is reasonable, and appropriate when advertising of lingerie.*

*The Community Panel's view is:*

*It is reasonable for a lingerie advertiser to depict lingerie being modelled in its advertising, where the images are not overly sexualised and do not use inappropriate nudity or exposure.*

*Bras n' Things – 0045/18*

*Best and Less – 0325/18*

#### *Tone, Theme and Messaging*

*The SaraMia bra ad presents a product that is designed and marketed with Women's experiences mind. The tone of the ad is grounded in a few main themes.*

- *Inclusiveness*
- *Supportiveness*
- *Modesty*
- *Relevancy - women's experience with bras*

*More details below.*

#### *Inclusiveness & Supportive:*

*The advertisement suggests other bra brands are designed for women to fit their design.*

*This comparison highlights the issue of 'a bra a woman is 'supposed to fit', which is an exclusive message and approach, where the women must fit a certain mould to suit a bra product.*

*By contrast, SaraMia's advertising depicts a bra that is inclusive, designed to fit the women's shape and body type. Thus a women does not have to change or feel shameful about their body type or bra fit.*

*This theme if further supported by the inclusion of women of all shapes and sizes, fits and ethnicities wearing the bras and showcasing how they look in the ad.*

*In terms of treatment of this footage, the models are shown enjoying their experience in the bra: warmly, proudly and modestly, reinforcing a 'celebration women's body types' theme.*

*By no means is the ad toxic or body shaming in nature.*

#### *Modest Language:*

*When reviewing the advertisement, you will note that the language used does not include any themes of a sexual, explicit, rude or exclusive nature, or any theme of self-worth tied to appearance.*

*The language used was specifically selected to present the bra product in a considerate and supportive way, as per the theme noted above. Examples of the key words used in the advertisement are:*

- *Supportive*
- *Flattering*
- *Comfortable*
- *Functional*
- *Look and feel good*



### *Relevancy – Universal Experiences Women Share*

*It is also important to review the ad in context with how the messaging is relevant to women's issues/challenges with bras, women's experience with bras / bra shopping. The ad deals with universal themes that are extremely relevant and common for women when shopping for bras, and finding a bra fit that suits them, such as:*

- *That most women are wearing the wrong size bra*
- *That ill-fitting bras can make women feel uncomfortable*
- *That women are all shapes and sizes*

*That ad features common complaints woman have about bras*

- *Digging underwire*
- *Cutting straps at the shoulder*
- *Digging back straps that cause skin/fat folds to appear*
- *That bras can be so uncomfortable that some can't wait to take them off*

*The below sources prove that the common complaints women have about their bras, that are featured in the advertisement are accurate, relevant and salient.*

*These are sources taken from:*

### *Choice – Consumer Advice*

*<https://www.choice.com.au/shopping/everyday-shopping/clothing/articles/buying-a-bra-that-fits>*

### *Australia's Largest Bra Retailers*

*[https://www.brasnthings.com/fit-hub/lingerie\\_issues\\_and\\_solutions](https://www.brasnthings.com/fit-hub/lingerie_issues_and_solutions)*

*<https://www.sportsbrasdirect.com.au/10-common-sports-bra-fitting-problem/>*

*<https://www.berlei.com.au/bra-size-calculator>*

### *Health and Research Bodies*

*To further highlight the topical nature of the themes raised in the ad (though the bra ad makes no health claims), it is important to note that the subject of ill-fitting bras is so salient, even the University of Wollongong has a research department dedicated to areas of this subject.*

*Here they quote:*

*'Despite the importance of correct bra fit, surprisingly greater than 70% of women wear the wrong size bra.'*

*<https://www.uow.edu.au/science-medicine-health/research/brl/bra/>*

### *News Sites / Blogs: Topical, and Newsworthy:*

*<https://theconversation.com/wearing-an-ill-fitting-bra-isnt-just-uncomfortable-its-bad-for-your-health-100292>*

*<https://thebetterfit.com/what-causes-bra-bulge/>*

*<https://www.revelist.com/style-howtos/best-back-smoothing-bras/12694>*

*<https://www.nytimes.com/2019/07/10/style/lingerie-are-8-out-of-10-women-really-wearing-the-wrong-bra-size-a-bra-myth-busted.html>*



*The significance of the above shows that the remark about 'back fat is embarrassing' in the ad is there to identify with the real challenges women have with bra fitting, in a way to help support them and show a level of understanding about universal concerns they have with bras.*

#### *Comparisons*

*The Before and After images used in the ad are there to compare a poor fitting bra vs. a good fitting bra, so that the consumer can relate to challenges they may have with bra fit, and how specifically this bra was able to support someone with a better fit and bra experience.*

*The comparisons used centre on the universal complaints women have about bra fitting as mentioned above making them completely relevant to the product being advertised and the consumer need.*

*The comparisons used do not compare body types, but the effect of the bra itself, which is a very important distinction.*

*Please note these Before and After images have not been retouched at all.*

*Attached to our response is the Producer Affidavit, which states the Producer confirms the accuracy and truthfulness of the advertising content.*

#### *Complaints vs. Response to Advertising*

*We understand there is always going to be subjectivity where advertising is concerned and that not all persons who view an ad are going to agree with its content.*

*Therefore it is also important to compare the volume of negative complaints with the volume of advertising and sales of this product to put the complaints into perspective.*

#### *Sales:*

*SaraMia Bra is our most popular, highest selling product in over 5 years. This response has demonstrated to us that consumers find the advertising relevant, and are voting with their dollar.*

*The overwhelming response to this product advertising has been extremely positive. Which is why we have been able to run the below advertising to date with a positive return on investment, since the products launch in January this year.*

*Advertising to date:*

*Ads (TV SPOTS) aired: 19,979*

*Impressions: 44.6 million (metro and Foxtel short form only)*

## **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' concerns that the advertisement:

- Features female body shaming, with comments such as 'embarrassing back fat'.
- Features a focus on cleavage which is not acceptable when children are watching
- Is rude and explicit and not suitable for viewing



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

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 complainants' concerns that the advertisement features a focus on cleavage which is not acceptable when children are watching and is rude and explicit and not suitable for viewing

The Panel considered whether the advertisement contained sex, sexuality or nudity.

The Panel considered whether the images depicted sex. The Panel noted the dictionary definition of sex most relevant to this section of the Code of Ethics is 'sexual intercourse; sexually stimulating or suggestive behaviour.' (Macquarie Dictionary 2006).

The Panel considered that the advertisement features women posing in bras in a way which highlights the benefits of the product, and that they were not acting in a sexually stimulating or suggestive way. The Panel considered that the advertisement did not contain sex.

The Panel considered whether the advertisement featured sexuality. The Panel noted the definition of sexuality includes 'sexual character, the physical fact of being either male or female; The state or fact of being heterosexual, homosexual or bisexual; sexual preference or orientation; one's capacity to experience and express sexual desire; the recognition or emphasising of sexual matters'. The Panel noted that the use of male or female actors in an advertisement is not of itself a depiction of sexuality.

The Panel considered that the advertisement focussed on the bra in a manner which highlighted its features, and was not displayed in a sexualised manner. The Panel considered that some members of the community would consider the depiction of women in bras to be a recognition of sexual matters, and therefore considered that that the advertisement did contain sexuality.

The Panel considered whether the advertisement contained nudity and noted that the dictionary definition of nudity includes 'something nude or naked', and that nude and naked are defined to be 'unclothed and includes something 'without clothing or covering'. The Panel considered that the Code is intended for the Panel to consider the concept of nudity, and that partial nudity is factor when considering whether an advertisement contains nudity.

The Panel considered that the advertisement depicted a range of women wearing bras and tops where their cleavage is visible. The Panel noted that the women's full



breasts are not visible, however considered that some members of the community would consider the depiction of a woman in a bra to be partial nudity.

The Panel then considered whether the advertisement treated the issues of sexuality and nudity with sensitivity to the relevant audience.

The Panel considered the meaning of 'sensitive' and noted that the definition of sensitive in this context can be explained as indicating that 'if you are sensitive to other people's needs, problems, or feelings, you show understanding and awareness of them.'  
(<https://www.collinsdictionary.com/dictionary/english/sensitive>)

The Panel considered that the requirement to consider whether sexual suggestion is 'sensitive to the relevant audience' is a concept requiring them to consider who the relevant audience is and to have an understanding of how they might react to or feel about the advertisement – the concept of how subtle sexual suggestion is or might be is relevant to the Panel considering how children, and other sections of the community, might consider the advertisement.

The Panel noted the advertiser's response that the advertisement does not use sexualised or explicit language and the tone of the advertisement focusses on the comfort and fit of the bras.

The Panel considered that the advertisement had been given a 'G' rating by ClearAds and the relevant audience would therefore be broad and include children.

The Panel considered that the women depicted in bras are depicted in a manner which highlights the product. The Panel considered that the tone of the advertisement is not sexual, the women's poses are not sexualised and the overall context of the advertisement is not sexual.

The Panel considered that some members of the community would consider that an image of a woman in a bra was not appropriate for television. However, the Panel considered that it is relevant for the advertiser to depict women wearing the advertised product, and that this depiction in itself is not sexualised.

The Panel considered that the broad audience would not find the advertisement inappropriate or overly sexualised and determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant broad audience and did not breach Section 2.4 of the Code.

The Panel considered whether the advertisement complied with Section 2.6 of the Code. Section 2.6 of the Code states: "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety".



The Panel noted the complainants' concern that the advertisement features female body shaming, with comments such as 'embarrassing back fat'.

The Panel noted the advertiser's response that the mention of back fat being embarrassing is designed to recognise the common problems that women have with their bras. The Panel further noted the advertiser's response that the before and after comparison images are of the same people just wearing different bras, and that these are not comparing body types.

The Panel considered that the advertisement's reference to wearing the wrong bra can lead to embarrassing back fat is not a statement which is shaming people because of their size, rather it is a recognition that wearing ill-fitting bras can dig into a woman's back and lead to fat bulging around the edges. The Panel considered that the advertisement depicted the same women before and after wearing the product, and focussed on the comfort and look of this product being better. The Panel considered that the advertisement was not degrading the women in the advertisement, and that the reference to back fat was not body shaming.

The Panel noted the practice note for the Code provides:  
"Advertising must not portray an unrealistic ideal body image by portraying body shapes or features that are unrealistic or unattainable through healthy practices."

The Panel considered that the advertisement depicted a range of women with realistic body types and did not present an image of an unrealistic ideal body type.

The Panel considered that the advertisement did not contain material which would be contrary to Prevailing Community Standards on health and safety and determined that it did not breach Section 2.6 of the Code.

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