



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0154/19
2	Advertiser	Bakers Delight
3	Product	Community Awareness
4	Type of Advertisement / media	Poster
5	Date of Determination	12/06/2019
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This poster advertisement has several versions featuring various topless men and women holding a roll or fun bun at their breast. The people depicted are survivors of breast cancer.

THE COMPLAINT

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

The total of 3 advertisements I've been subject to Viewing in the local shopping centre are near a child play area, and food court area, and in the content shows images of 2 women and a man, topless with small bread rolls covering there nipples, being held in a way to visually replace a breast. This confronting and overly naked person is only wearing clothes from there belly button down, and you could see there were naked enough that if they walked down the street like that, they'd be arrested for indecent exposure.

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women and a man, topless with small bread rolls covering their nipples, being held in a way to visually replace a breast. This confronting and overly naked person is only wearing clothes from their belly button down, and you could see they were naked enough that if they walked down the street like that, they'd be arrested for indecent exposure. Although I support breast cancer, being a survivor myself, being proud and requesting others to give towards the fund raising, doesn't require half-naked people in any advertisement. This shocked and stunned my elderly mother, and prompted my grandkids to ask "why is she showing her boobies"... "why is she naked?" from far away also and close up the content image is still offensive and non-compliant with section 2.4: "Images which are not Permitted are those which are highly sexually suggestive and inappropriate for relevant audience"... "particularly were the depictions not relevant to the product or service being advertised, are generally objectionable to the community"...

"MORE CARE should be taken in outdoor media than magazines for example. Advertisements which depict women or men scantily clad" (there selling bread...no one needs to be naked or almost naked!)

It is my understanding that due to complaints raised this image was removed on FB as it is not only a confronting image it is not appropriate to the general public and all age groups. In Waurne Ponds Shopping Centre this image was changed to show the same girl but wearing a white top.

Please review this advertisement. Basically I'm asking for common sense and courtesy, it wouldn't be an advertisement that should or would be in a childcare, church or any religious affiliation, due to the inappropriateness, why is it in a public shopping centre. Why not make a calendar that people could choose to view and buy. Although I support the cause I am appalled with the packaging to which they are advertising and selling to minors, families and undermining wholesome family values. I do have photos if needed to support my objections.

Overtly sexual content for bread rolls. The content that they are showing is inappropriate for the age of the public viewing. It's set near kids play area. For a topless woman showing a lot of skin it is indecent for the content they are selling. Advertised in a public area. Confronting for all.

The amount of nudity. I think this is inappropriate advertising especially for minors. It's very graphic and they don't need to have this displayed to gain awareness of breast cancer funding.

THE ADVERTISER'S RESPONSE

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

Bakers Delight and Breast Cancer Network Australia (BCNA) have been working together for the past 19 years, with more than \$18 million being raised for the not-for-



profit organisation during that time.

Working off the theme of Bakers delight and BCNA being ‘breast friends’ for nearly 20 years, the campaign materials were to feature eight very strong and passionate breast cancer survivors who weren’t afraid to show their scars to help raise awareness of breast cancer as a major health issue and BCNA’s role in helping the 19,000 people who are diagnosed with it every year.

The marketing material includes topless survivors covering their breasts with fun buns and rolls - the feature products of the campaign – in an effort to capture the harsh reality of breast cancer without over shadowing the fun and light-hearted nature of the Bakers Delight brand. This was achieved through a range of images which promoted strength and positivity in men and women wearing their scars with pride. Pertaining to item 2.4 - Sex/sexuality/nudity S/S/N - nudity of the code of ethics we are firmly of the belief that the 2019 BCNA pink bun campaign materials are not in breach of the code.

This campaign is designed to be fun and thought-provoking and the utmost care has been taken to ensure it has been done respectfully. Every person featured in the campaign is living with breast cancer and has voluntarily participated in this project to ensure breast cancer support remains an important topic of discussion. We have deliberately featured women and men of all ages and body types to demonstrate that breast cancer really does come in all shapes and sizes.

Breast Cancer Network Australia and Bakers Delight have taken great care to approach this campaign with respect and sensitivity to those with breast cancer and the wider community. BCNA’s mandate is to provide all Australians living with breast cancer with free support and this is only possible through the funds raised in the Bakers Delight annual Pink Bun campaign. In an ever increasing competitive market for donations, we believe the honest imagery is thought provoking and when coupled with a message around the importance of support, is an appropriate call to action.

THE DETERMINATION

The Ad Standards Community Panel (“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 featured overly naked people, was confronting, was unnecessary for the product being sold, and sexual content inappropriate for children to view.

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

The Panel noted that this poster advertisement has eight versions relating to fun



buns, and eight versions relating to bread rolls.

The fun buns advertisement feature various topless men and women holding fun buns at their breasts. Two of the fun buns versions feature a man and a woman respectively with only one fun bun, as their other breast has been removed and scar tissue is visible. The people depicted are survivors of breast cancer.

The bread rolls advertisement feature various topless men and women holding bread rolls at their breasts. Two of the bread rolls versions feature a man and a woman respectively with only one bread roll, as their other breast has been removed and scar tissue is visible. The people depicted are survivors of breast cancer.

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 considered whether the advertisement contained sex, sexuality or nudity.

The Panel considered whether the advertisement contained 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 noted that this poster advertisement has several versions featuring various topless men and women holding a roll or fun bun at their breast. The people depicted are survivors of breast cancer. The Panel considered that none of the people depicted in the various versions of the advertisement appeared to be engaged in sexual activity of any kind. The Panel considered that the advertisement did not contain sex.

The Panel considered whether the advertisement depicted 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 for the application of the term in the Code, the use of male or female actors in an advertisement is not of itself a depiction of sexuality.



The Panel noted the complainants' concerns that the advertisement featured sexual content inappropriate for children to view.

The Panel considered that although the people depicted in the advertisement are topless, their poses are not sexual and they are not presented in a sexualised manner. The Panel considered that there is no emphasis of sexual matters and no emphasis on the models' sexual character. The Panel considered that the advertisement does not depict 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 a factor when considering whether an advertisement treats nudity with sensitivity to the relevant audience.

The Panel noted the complainants' concerns that the advertisement featured overly naked people and sexual content inappropriate for children to view.

The Panel first considered the versions of the advertisement which depicted people with both breasts covered by fun buns or bread rolls. The Panel considered that the models' breasts are covered by the fun bun/bread roll, and there is no depiction of nipples. The Panel considered that although the models' are shirtless and this is a depiction of partial nudity, this was not inappropriate considering the link to the important community awareness campaign for breast cancer.

The Panel then considered the versions of the advertisement which depicted people with one breast covered by a fun bun or bread roll. The Panel considered that the models' left breasts are covered by the fun bun/bread roll, and there is no depiction of nipples. The Panel noted that although there is no coverage on the right side of their chests, there is a depiction of scars from surgery. The Panel considered that people may find the depiction of the people with scars from surgery to be confronting. The Panel considered that the depictions were not inappropriate considering the public health awareness raising nature of the campaign.

The Panel considered that although the models' are shirtless and this is a depiction of partial nudity, this was not inappropriate considering the link to the important community awareness campaign for breast cancer.

The Panel considered that this advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience and 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.