



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0190-20
2. Advertiser :	Hanes Brands Inc
3. Product :	Clothing
4. Type of Advertisement/Media :	Email
5. Date of Determination	24-Jun-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification
AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This email advertisement features the headline 'Bloody Comfy Period Undies Are Back'. Further text states, 'All sizes, styles and absorbencies fully stocked. Get yours before they're gone...again. What are bloody comfy period undies Leak-proof knickers that go with your flow and keep you feeling comfy and confident.'
The email features an image of the profile of a woman wearing a black bra and underpants, from her chin to her knees.

THE COMPLAINT

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

I appreciate the term bloody comfy is their trademark, however this is extremely inappropriate and offensively used towards women. This is a bodily function that women have no control over. I also have a daughter approaching this time in her life and feel the message focussing on the word blood and making this a bright and bold word sends the wrong message about the purpose of the underwear.

THE ADVERTISER'S RESPONSE





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

Bonds is an underwear and apparel brand, best known for creating fun, fashionable, comfortable undies and clothing for the whole family. Bonds launched their new range of period undies on 8th April, 2020.

Launching the innovative new range of period underwear, the “Bloody Comfy Period Undies” campaign is all about taking a common Australian term of phrase and making into a period confidence statement for girls. This is a truly revolutionary new sanitary product - the undies are comfy and can be worn just like underwear. They are leak-proof which frees girls and women from the constant worry of leaks. There are a few different absorbency levels in the range, but the ‘heavy’ period underwear can hold up to 4 tampons worth of period blood.

Historically, periods have been an embarrassing topic for women, even though they are a completely normal part of life, so Bonds didn’t want to shy away from using the word ‘blood’ in the campaign – they wanted to be bold and proud (in name and design approach), and to help normalise this kind of language. The positivity associated with the word ‘bloody’ is reiterated through all of the messaging on the Bonds product web page, such as ‘bloody brilliant’ and ‘keep you feeling comfy and confident’.

The email advertisement in question features a side shot of a model wearing the underwear with a very bold and fun graphic design treatment. The headline reads ‘Bloody Comfy Period Undies Are Back’ ‘All sizes, styles and absorbencies fully stocked. Get yours before they’re gone...again’. The email advertisement then goes on to describe what the underwear are and how they work. The web page that houses the product has lots of information on how the product can be used, and all of the language is very period-positive and female-positive.

Although this campaign is not on TV, a script with similar language to the email and website including the name ‘Bloody Comfy Period Undies’ was pre-checked and given a rating of PG.

In regard to the complaint that has been made to the ASB under Complaint Reference Number 0190-20, regarding section 2.1 and 2.4 of the AANA Advertiser Code of Ethics, we take the opportunity to refute as follows:

We disagree that these pieces of communications discriminate against women, or feature nudity. The intention of these product communications is to be fun and bold, because we want people to feel confident and comfortable about having their period. Acknowledging ‘blood’ in relation to periods is not something that should be considered offensive. There is no nudity in the email or on the web page. As an underwear brand, Bonds need to show models wearing their product, however there is no genitalia visible in any of the photographs, nor is any of the product photography sexual in any way.

For the above reasons, we assert this advertising campaign complies with sections 2.1, 2.4 of the Code, as well as all other parts of section 2.



We trust upon reviewing the creative advertisements in line with our written response you will agree that Bonds' "Bloody Comfy Undies" campaign does not breach the AANA Advertiser Code of Ethics.

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 complainant's concern that the use of the word "bloody" is inappropriate and offensive towards women in the context of the advertisement.

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

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 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 noted the complainant's concern that the word "bloody" was inappropriate and used offensively towards women.

The Panel considered that of itself, the topic of menstruation is not discriminative or vilifying to any segment of society although some members of the community would prefer not to have this type of issue discussed publicly or included in advertising material in general.

The Panel noted the advertiser's response that they did not want to shy away from use of the word "blood" in the campaign and that they wanted to be bold and proud to normalise such language.

The Panel considered that there is no negative language or imagery in the advertisement that implies that that woman, or women in general, should be embarrassed about menstruation or that a woman who is menstruating is a lesser person.

The Panel considered that the advertisement does not depict the women in the advertisement or women in general in a manner that is unfair nor in a manner that would be likely to humiliate or incite ridicule. The Panel determined that the



advertisement does not discriminate against or vilify a person or section of the community on account of 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 2.4 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 noted the Practice Note for the Code states:

“Images which are not permitted are those which are highly sexually suggestive and inappropriate for the relevant audience. Explicit sexual depictions in marcomms, particularly where the depiction is not relevant to the product or service being advertised, are generally objectionable to the community and will offend Prevailing Community Standards.”

The Panel considered whether the advertisement 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 there is no depiction of sexual intercourse, sexual stimulation or suggestive behaviour and that the advertisement as a whole 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 the use of male or female actors in an advertisement is not of itself a depiction of sexuality.

The Panel considered that the topic of menstruation is a depiction of sexuality, as it is a physical fact of being female.

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 firstly contains nudity and secondly treats that nudity with sensitivity to the relevant audience.



The Panel considered that the advertisement depicts a woman in Bonds underwear, and considered that some members of the community may consider this to be a depiction of partial nudity.

The Panel considered whether the advertisement treated the issue 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 that this advertisement was an email and sent to people that had previously purchased from Bonds or signed up to receive marketing material. The Panel considered that the audience of the advertisement would be predominately adult.

The Panel considered that the advertiser is promoting its product using the trademarked product name, and that the product are underpants that are absorbent and are designed for wear whilst a person is menstruating.

The Panel considered that although the topic of menstruation or an implied message about sexuality may make some members of the community uncomfortable, the advertisement depicted material in a manner that is sensitive to the relevant broad audience which would likely be predominately adult.

The Panel considered that the depiction of a woman in underwear, while partial nudity, was not explicit and considered that the woman's breasts and genitals are fully covered. The Panel considered that the depiction of a woman in underwear in an advertisement for underwear was not a depiction which most members of the community would consider to be inappropriate.

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

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.