



Case Report

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| 1 | Case Number | 0220/12 |
| 2 | Advertiser | Brand Developers |
| 3 | Product | Clothing |
| 4 | Type of Advertisement / media | TV |
| 5 | Date of Determination | 13/06/2012 |
| 6 | DETERMINATION | Dismissed |

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

Infomercial style advertisement which features various women wearing bras in different situations. There are close images of ill-fitting bras as well as the advertised product, the AHH bra. The female presenter talks about how many women are wearing bras that give them problems, and explains that the AHH bra is comfortable to wear and provides a good fit.

THE COMPLAINT

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

Not an appropriate time to be showing advertisements for a bra showing multiple shot of breasts, ladies adjusting their bra etc. It's family viewing time and my children (or myself) should not be subjected to this while watching prime time TV.

THE ADVERTISER'S RESPONSE

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

While we respect the complainant's right to his particular view, we cannot see how this commercial could breach any aspect of Section 2 of the Code of Ethics.

Scheduling in family viewing times is entirely appropriate for this product as nearly half the audience either wears a bra or is approaching the age when they will want/need to wear a bra.

As the complainant has not specified the time or channel the advert was played it is very hard for us to determine exactly what version has been complained against.

We have adverts that are 30, 120,240, and 1800 seconds long. Each of these are CAD approved.

In all versions of the advert the AHH Bra product is advertised as a seamless and strapless bra.

Below are CAD approvals for an example of the infomercial that is on air. All adverts of shorter duration are cut down from this advert. As 240 is an Advertorial played on The Morning Show on Channel 7 and Mornings Show on Channel 9 they have their own legal process for accepting scripts.

In our interpretation of the Code of Ethics:

2.2 - It is our belief that this advertisement promotes the product in a very seemly and modest manner. There is nothing suggestive or salacious in the copy or the visuals.

We are selling a product on its comfort to the wearer, and its practicality. There is no implication that the wearer will look sexier or more desirable to men with the AHH Bra, so there can be no claim of objectification of women using sexual appeal which is exploitive or degrading.

2,4 - Likewise there is no nudity, not even an undue amount of uncovered flesh, or hint of a nipple to be seen. Against a backdrop of bikini clad babes selling all manner of unrelated products and skimpily draped prize presenters in quiz programmes, the AHH women are models of decorum enjoying their new feeling of comfort without sacrifice of style. If this advertisement was found to transgress prevailing community standards many programmes and advertisements would be in dire straits.

2.5 - The language within this advertisement is entirely appropriate, not only for the target market, but is couched in terms that is acceptable to the general audience.

Given the brevity of the complainant's letter these are the only possible sections of the Code of Ethics that we can imagine he might have felt had been breached. We honestly feel that a well-fitting, comfortable bra is a clothing item most women find essential to feeling good within themselves, and looking their best. This is not a flimsy, lacy sexy little number, but a practical, everyday item that most women would instantly see the appeal of. Even the name "Ahh" implies that sense of ease and comfort.

With respect to the complainant, we believe the commercial meets all criteria of prevailing community standards and the Code of Ethics.

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 an inappropriate image of women wearing bras and is not appropriate for viewing by children.

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

The Board 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 Board noted that it was reasonable for an advertiser to depict its products being modelled in its advertising i.e. bras. The Board considered that the poses of the models in the advertisement are in keeping with typical underwear advertising.

The Board noted that the images of the women are not sexualised and do not feature any inappropriate nudity.

The Board noted the advertisement had been rated 'G' by CAD which means it may be broadcast at any time except during Preschool or Children's programs.

The Board noted that some members of the community may be uncomfortable with seeing women in their bras however the Board considered that most members of the community would consider that the advertisement is factual, focuses on the product in a non-sexualised manner and treats the issue of sex, sexuality and nudity with sensitivity to the relevant audience including 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 2.4 of the Code.

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