



## Case Report

1	Case Number	0320/15
2	Advertiser	Pacific Brands Holdings Pty Ltd
3	Product	Lingerie
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	12/08/2015
6	DETERMINATION	Dismissed

### ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.4 - Sex/sexuality/nudity S/S/N - general

### DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features various dancers showcasing Bonds' products. The dancers are male and female and vary in age from 1 to 100. In each dance scene the combined age of the dancers adds up to 100 years.

### THE COMPLAINT

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

*This is a prime time slot and children are watching TV at this time. It should be removed.*

*There was a close up where the majority of a woman's bottom could be seen, and was shaking quite seductively in the close vision of the camera. Unsuitable not only for young children to have that broadcasted in their face - or anyone of any age.*

*The Bonds ad showing people in underwear (and a woman at the end with half her backside hanging out of it) is NOT appropriate material for children to see at that time of night! Its not the first time your channel has shown inappropriate content earlier at night and due to this reason, I will now write in everytime something like this is shown until you do something about it. It seems this day and age that things like this are just accepted as normal. Being a young parent I wouldn't think it was appropriate for my 3 and 7yr old sons to see anyone*

walking around wearing just underwear with most of their behind hanging out, whether its on the street, in a shop, on a sign, on TV or in my own house. I wouldn't wear that in front of them and I'm their mother. Besides, if Bonds really think they have a good product, they don't need to show off their more provocative underwear to sell it. Keep the television viewing decent, especially while children may be awake. You shouldn't be promoting young boys to be interested in sex appeal to get ratings, it's utterly disgusting and I'm over seeing my children exposed to it. Every person is entitled to privacy and protecting their children, but how can they when you flash this stuff in their face. I will be keep in contact until this matter is addressed

I believe the content of this commercial is the equivalent of "soft porn" and would normally carry a nudity warning if in a movie or other content, and should not be shown before 8:30 or 9pm, when more adult commercials (eg. alcohol, gambling) are allowed to air.

## **THE ADVERTISER'S RESPONSE**

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

*We write on behalf of our client, Bonds (Pacific Brands Underwear Group) in response to complaints against the Bonds 100 campaign, specifically relating to the following sections of the AANA Code of Ethics: 2.4 - Sex/sexuality/nudity S/S/N - general*

*On 27 July 2015, the Bonds 100 campaign launched to celebrate Bonds' 100th birthday and promote the Bonds 100 range of products available in store and online.*

*Bonds is an underwear and apparel company, best known for its bright and colourful products. The campaign is a celebration of Bonds as an iconic and much loved Australian brand as it marks its 100th birthday. The campaign is designed to demonstrate Bonds has something for everyone – whether you're 8 seconds or 80 years old by using dancers in groups whose ages add up to 100 in products from the Bonds 100 range: 5 x 20 year old women dancing in apparel, 20 x 5 year olds dancing in brightly coloured kids wear, 4 x 25 year old men moonwalking in men's socks and underwear, 200 x 6 month old babies showcasing babywear, a 75 year old woman dancing with a 25 year old in activewear, 5 x 20 year old women dancing in underwear, and a 99 year old man and a 1 year old baby sharing a touching moment. The use of dance is designed to be a celebration of Bonds 100th year, reference previous iconic Bonds campaigns and, with modern and energetic choreography, lend a contemporary edge as Bonds enters a new era.*

*In regard to the complaints that have been made to the ASB under Complaint Reference Number 0320/15, regarding sections 2.4 of the AANA Advertiser Code of Ethics, we take the opportunity to refute these as follows:*

*In reference to section 2.4 we disagree that the TVC treats sex, sexuality and nudity without sensitivity to the relevant audience.*

*The TVC is designed to promote and celebrate a product range across a number audiences – men, women, kids, babies, - in both apparel and underwear. The TVC comprises a number of scenes in which the product range is showcased by dancers of various ages and genders. For example, kids product worn by a group of kids dancing, babies in babies' product etc. In*

*order to showcase the women's underwear product, there is a scene in the TVC where it is worn by female dancers. It should be noted that the women are also featured in the apparel range in an earlier scene (dancing in a similar fashion), and male dancers are used to showcase men's underwear and socks.*

*Close ups are used throughout the TVC to highlight product features including detail on the back of the women's briefs. These close ups are intended to be of product, not body parts.*

*The tone of this commercial is intended to be fun, wholesome and playful. The women shown in this commercial are professional dancers, who were deliberately chosen because of their fit and healthy-looking bodies. All adult dancers are aged over 18, with some as old as 25. The super on screen during the women's underwear scene implies all the dancers are 20 years old: a group of young adults dancing and having fun. The women were cast specifically because of their playful spirit, and the dance moves have been deliberately choreographed to come across as fun and playful – all of which aligns directly with the Bonds brand and values.*

*The women's underwear scene is not intended, nor should it be interpreted, to be sexual in any way. Given the context of a brand advertising underwear product to a female audience, and the use of dance as a reference to historic campaigns and in celebration of a landmark birthday, we feel there is sufficient context to warrant the use of female dancers in underwear. We also refute the inference that women's bodies in underwear are inherently sexual.*

*In addition, the Bonds 100 TVC received a W classification from CAD allowing it to be broadcast at any time except during C and P programs and adjacent to C and P periods. (There is also a version of the TVC that is identical to the W version but including a backflip scene that was classified PG, for that reason). All complaints note that the TVC was seen during evening television, when the classification allows it to be on air. The intended audience is adults and the classification of the TVC as well as instructions to networks ensures it is not on air during children's programming nor during adjacent periods.*

*We trust upon viewing the TVC, and our written response, you will agree that the Bonds 100 campaign does not breach the AANA Advertiser 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 complainants' concerns that the advertisement depicts groups of people in their underwear which is inappropriate and particularly one woman who is exposing her bottom.

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 the advertisement features various dancers showcasing Bonds' products. The dancers are male and female and vary in age from 1 to 100. In each dance scene the combined age of the dancers adds up to 100 years in order to celebrate Bonds' 100th birthday. The INXS song "what you need" is the background music for the advertisement.

The Board noted it had dismissed complaints about a similar advertisement for the same

advertiser in case reference 0489/12 where it noted that, “it was reasonable for an advertiser to depict its products being modelled in its advertising. The Board noted that in some scenes we see women dancing and considered that the dancing was not sexualised and that the close up of the underwear in these, and in other, scenes was appropriate for an underwear advertisement.”

The Board noted that the current advertisement is in keeping with the style of advertising that the advertiser has adopted for numerous years and that is reasonable to expect the advertiser to show models (men, women and children) wearing the product they are trying to sell. The Board noted that the models are not posed in an overtly sexualised manner rather they are all dancing to celebrate 100 years of the product. The Board noted the models and are fully covered by the underwear they are modelling.

The Board noted the particular scene that includes a group of young women dancing and there is a close up of one of the ladies bottoms.

The Board noted that the image of the woman’s bottom is fleeting and she is turning as part of the choreography of the dance and not purposefully trying to expose her bottom. The Board noted that her underpants are a full brief that are cut higher at the back and it is not a g-string or transparent underwear.

The Board considered that overall the image of the women dancing in this group and throughout the advertisement appear fit, healthy and active and there is no focus on body parts and the images are not sexualised.

The Board noted the complainant’s concerns that the advertisement had been placed in programs aimed at a family audience. The Board noted that there were two versions of the advertisement rated “G” and “PG” by CAD and considered that the content of the advertisement was in keeping with the potentially broad viewing audience which would include 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 complaints.