



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0325/18
2	Advertiser	Best & Less
3	Product	Clothing
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	25/07/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts three women of various ages completing their morning dressing ritual. The women are clothed wearing, singlets/camisoles, underwear and bras and looking in their mirrors.

THE COMPLAINT

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

I was offended by young women displaying their bodies up close in underwear when most viewers would be males. This ad was during a AFL Richmond and Swans football game on a Thursday night. I was sitting watching it with my 16 year old son and thought it was very inappropriate and my son thought so too.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this





advertisement include the following:

We refer to your letter dated 11 July 2018 in respect of an advertisement for Best&Less undergarments.

We thank you for the opportunity to respond to the complaint received in respect of the Advertisement.

In respect of the information specifically requested, please see below:

Description of the Advertisement

The Advertisement depicts three women of various ages completing their morning dressing ritual. The women are clothed wearing, singlets/camisoles, underwear and bras and looking in their mirrors.

A copy of the script

“At Best&Less our irresistible collection of bras & undies are guaranteed to last, guaranteed to flatter your shape and be a comfy fit. Now you'll find a range of fabulous new styles at our everyday low prices, that's why we're called Best&Less.”

Copy of TVC

A digital copy of the Advertisement is enclosed with this letter.

Period shown

Sunday 24 June 2018 through to Thursday 28 June 2018.

The Advertisement was not shown during or adjacent to P or C periods.

CAD reference number

Key number: BAL89U15R3

CAD number: G5YDOROA

Section 2 - Response addressing AANA Code of Ethics

2.1 Discrimination or vilification

We believe the Advertisement complies with this section.

2.2 Exploitative and degrading

(a) The Advertisement does not employ images of minors or people who appear to be minors. The Advertisement notes the purported ages of the actors.

(b) We believe the Advertisement complied with this section: further details in comments below.

2.3 Violence



The Advertisement does not present or portray violence.

2.4 Sex, sexuality and nudity

We believe the Advertisement complies with this section. The Advertisement does not contain sex or nudity. The Advertisement is concerned with bras and underwear and we believe that sexuality is treated sensitively to the relevant audience: further details in the comments below.

2.5 Language

We believe the Advertisement complies with this section. The Advertisement does not contain strong or obscene language.

2.6 Health and Safety

We believe the Advertisement complies with this section.

2.7 Distinguishable as marketing

We believe the Advertisement complies with this section.

Best&Less takes its advertising obligations seriously and as a retailer targeting families we are very concerned not to offend prevailing community standards.

It is Best&Less's submission that the complaint should be dismissed and that no further action should be taken in respect of this matter for the reasons set out below.

In response to the concerns raised in the complaint, Best&Less respectfully submits as follows:

- it is necessary and reasonable to depict the product that is the subject of the Advertisement (in this case, underwear);*
- the Advertisement is consistent with images and depictions of models advertising underwear;*
- the Advertisement depicts a variety of women starting their days and reflects a normal, everyday environment for women. This montage of typical women of varying sizes and shapes should not be perceived as inappropriate (as alleged in Complaint reference 0325/18), and this view is likely to be shared by the broader community;*
- the imagery of the females in a various underwear pieces depicting style, fit and comfort are not inappropriate in the context of the product being sold;*
- the Advertisement promotes undergarments and the overall focus of the Advertisement is on the products (bras and underwear) and the low prices on offer at Best&Less for the duration of the promotion. This is reinforced by the voiceover which*



refers to “bras and undies are guaranteed to last, flatter your shape and be a comfort fit” and later states “at our everyday low prices”;

- none of the products worn by the actors is provocative, for example, it is not minimal, sheer or revealing. The imagery is not sexually explicit or suggestive in any way, and the level of nudity (to the extent there could be perceived to be any) is minimal and not inappropriate. Again, we submit that this view is likely to be shared by the broader community;

- the Advertisement is not exploitative and does not employ sexual appeal in a manner that is exploitive and degrading to these woman or woman in general. We do not believe that the female figures are portrayed in a manner that discriminates against women or otherwise vilifies them. As noted above, it portrays typical women of different ages completing their usual morning routine;

- the Advertisement is intended to engage cost conscious women, and the main message of the Advertisement is underwear on sale that is comfortable and fits well for varying body types. Again, this is reinforced by the imagery in the Advertisement depicting various women, and the voiceover, which refers to guaranteed for comfort and fit and later states at our everyday low prices;

- the Advertisement is appropriate for Best&Less’s target market and would not offend the general public within the context of an advertisement for underwear;

- the Advertisement has been placed broadcast in accordance with the “G” rating received by CAD:

General “G” Definition: General May be broadcast at any time except during P and C (Children’s) programs or adjacent to P or C periods. Product Description: Commercials which comply with the G classification criteria in Appendix 1 of the Code of Practice and provided the content is very mild in impact and does not contain any matter likely to be unsuitable for children to watch without supervision.

In addition the Advertisement was broadcast between a Sunday through to Thursday and was not broadcast during traditional AFL viewing times which is generally a Friday, Saturday and part-day Sunday;

in relation to the Complainants comment that “most viewers would be male”, Best&Less disagrees with this view. Media statistics show that 45.2% of AFL viewers are female and this figure is expected to rise now that the AFL have introduced woman’s football league both nationally and locally.

To date Best&Less are not aware of any other complaints regarding this Advertisement.



Reviewing the Complaint it seems that the complainant may believe it is inappropriate to show TVC featuring women wearing underwear on television. Best&Less do not believe this is reflective of Prevailing Community Standards.

Whilst we appreciate that AS must carefully consider all complaints received however for the above reasons we trust AS will accept Best&Less's submission to have the complaint dismissed.

Should you require any further information or wish to discuss the matter please contact the writer.

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 complainant's concerns that the advertisement featured inappropriate images of women.

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 that the television advertisement depicts three women wearing different sets of underwear looking at their reflections.

The Panel noted that the advertisement had been given a 'G' rating by CAD and that the relevant audience would be broad and likely to include children.

The Panel noted the complainant's concern that the close up images of young women displaying their bodies was offensive.

The Panel considered the advertiser's response that the advertisement did not contain sex or nudity and that the underwear worn by the women is not sheer or revealing.

The Panel considered that it is reasonable for an advertiser to depict people wearing the product that is being advertised as long as those depictions are in line with the Code.

The Panel considered that the focus of the advertisement was on the lingerie being sold, and that the advertisement did not focus on the bodies of the women.



The Panel considered that the poses of the women were not sexual, and that the overall tone of the advertisement was not sexualised but were displaying the shape and fit of the underwear.

The Panel considered that the women's breasts and genitals were all appropriately covered by the underwear and that there was no inappropriate nudity in the advertisement.

The Panel determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant viewing 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 Panel dismissed the complaint.

