



## Case Report

1	Case Number	0329/15
2	Advertiser	Woolworths Supermarkets
3	Product	Lingerie
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	26/08/2015
6	DETERMINATION	Dismissed

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

The advertisement shows a woman walking towards a bed where a man and young girl are looking at a magazine. The woman is wearing undies and a singlet and the camera focuses on these as she walks towards the bed. The longer version of the advertisement features various products available from Big W (including party accessories, mascara, washing powder) and the scene showing the woman wearing the underwear does not include the young girl.

### THE COMPLAINT

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

*It makes me feel uncomfortable and embarrassed because it feels like we are being shown between her legs and uncovered bottom instead of the underpants being advertised.*

*The mother struts over to the bed in a sleazy fashion with her buttocks in full view of the television yet again we are subjected to a close up of a female's ass, it is totally inappropriate. By putting the daughter and the father in the advert was just to soften the bullshit. I have always been a shopper at big W as I found it to be a family store, I'm not sure what they are*

*expecting to gain from this advert because me and my visitors viewing it at the time see it as once again exploiting woman. The little pink panties don't cut it for me sorry. Think I'll go to Target. Fed up!!!!!!*

*My objection is the time slot. Children are watching at 6:30, approximately the time I witnessed the ad.*

*The sexualisation of the woman in the ad, especially when it was related to a family situation.*

*The back view remains for too long and I think is too much focus on the woman's bottom, rather than the underwear sale.*

## **THE ADVERTISER'S RESPONSE**

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

*Thank you for the opportunity to respond to the complaints received in respect of the Advertisement.*

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

### *Description of the Advertisement*

*The Advertisement depicts a typical lazy family Sunday morning at home, with a family (mother, father, daughter) enjoying the first few hours of the morning reading/ drinking a cup of tea before the hectic day ahead begins.*

*The Advertisement ran as a standalone 15 second television commercial (TVC) and as part of a longer 30 second TVC which featured various BIG W specials, including the underwear promotion. Copies of both versions have been provided.*

*BIG W takes its advertising obligations seriously. It is however BIG W's submission that the complaints 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 complaints, Woolworths 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 (both male and female) advertising underwear;*

? *the Advertisement depicts a family, namely a “mother”, “father” and young “daughter”, starting their day relaxing in bed on a Sunday morning and reflects a normal, familial environment. This montage of a young family sharing time together in their underwear immediately after waking should not be perceived as unusual or “weird” (as alleged in Complaint reference 0332/15), and this interpretation is likely to be shared by the broader community;*

? *in the Advertisement, the “mother” is wearing a full brief and singlet set and the curve of her buttock is visible in the first 4 seconds (approx) of the Advertisement. This shot is intended to show the print that is on the product. The underwear that the “mother” is wearing is in fact one of the items on special – please refer to approx. 8-9 seconds into the 15 second TVC where the pink “EMERSON” 10 pack set is promoted. The “mother” is wearing one of the items in this set;*

? *the imagery of a female in a full brief and a singlet set is not inappropriate in the context of the product being sold;*

? *the Advertisement promotes underwear and the overall focus of the Advertisement is on the product (underwear) and the special prices on offer at BIG W for the duration of the promotion. This is reinforced by the voiceover which refers to “undies on Sundies” and then the various products on special and their price point;*

? *the “father” wears boxer shorts and a t-shirt. None of the product worn by the “mother” or “father” is provocative, for example, it is not minimal or sheer. The “daughter” is fully clothed in pyjamas. 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 discriminatory, as suggested in Complaint reference 329/145. BIG W does not believe that the female figure is portrayed in a manner that discriminates against women or otherwise vilifies them. As noted above, it portrays a family in a relaxed and lazy Sunday morning setting;*

? *the Advertisement is intended to engage cost conscious families, and the main message of the Advertisement is underwear on sale for all members of the family. Again, this is reinforced by the imagery in the Advertisement depicting a family, and the voiceover, which refers to special prices on underwear for males, females and children;*

? *the Advertisement is appropriate for BIG W’s target market and would not offend the general public within the context of an advertisement for underwear for all members of the family;*

? *the Advertisement was only aired at times consistent with the CAD rating (i.e. dual*

viewing or adult viewing times).

*In light of the above, Woolworths further submits that:*

? *the Advertisement does not breach Section 2.1 of the Code as it does 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;*

? *to the extent that the Advertisement could be perceived to portray sex, sexuality and/or nudity, it does so in a way that is sensitive to the relevant audience, pursuant to Clause 2.4 of the Code;*

? *the Advertisement does not breach any other provisions of Section 2 of the Code.*

*Finally, we previously indicated that the Advertisement was a limited run promotion and would cease airing from 19 August 2015. In light of positive market research, BIG W has made a commercial decision to air the Advertisement again in the near future.*

*Woolworths appreciates the ASB's careful consideration of the complaint and trusts that it will accept Woolworths' submission that the complaints should be dismissed.*

## **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' concern that the advertisement is sexist in its focus on a woman's bottom and that the content of the advertisement is not appropriate for children to view.

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

The Board 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 Board noted that this television advertisement features a promotion for Big W underwear for the whole family. The Board noted that there are two versions of the advertisement and that whilst the longer version depicts numerous scenes including a woman approaching a man who is lying on a bed, the shorter TVC only features an extended version of this underwear

scene and there is also a young girl lying on the bed. The Board noted that the complaints all concerned this shorter version of the TVC featuring the young girl.

The Board noted that the shorter version of the advertisement opens on a woman walking away from the camera towards a bed and considered that whilst the camera does focus on her as she approaches the bed, in the Board's view this focus is on the advertised product (undies and singlet) rather than the woman's bottom. The Board noted that this opening scene does linger on the woman however the Board considered that as the advertised product is underwear it is not inappropriate to focus on the product being worn as intended. The Board noted that the man in the advertisement is lying on a bed and so his underwear is not as visible as the woman's but considered that advertisers are free to focus on whichever gender they want. The Board noted it had recently dismissed complaints about advertisements for underwear in cases 0507/14, 0271/15, 0295/15 and 0320/15 and considered that consistent with these previous determinations it is reasonable for an advertiser to depict their products being worn in advertisements and the use of, and focus on, a female model is not of itself discriminatory or vilifying.

The Board considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of their gender.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board then 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 the complainants' concerns that the advertisement is not appropriate for children to view. The Board noted that the woman's underwear is not of a lingerie style being revealing or sexy and considered that she is not presented in a sexualised manner. The Board noted that the man on the bed appears to be wearing underwear or sleep shorts as well as a t-shirt and considered that he is appropriately covered and is not posed in a sexualised manner.

The Board noted the complainants' concerns that it is not appropriate to show a young girl with the man and woman but considered that they are presented as a family unit and in the Board's view the level of nudity is mild and is not sexualised. Overall the Board considered that this scene is reflective of a family unit in a scenario which would not be uncommon across Australia.

The Board noted that the advertisement had been rated 'W' by CAD which means it can be viewed by a broad audience including children. The Board considered that the content of both versions of the advertisement is not sexualised and does treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which would include children.

The Board determined that the advertisement 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.

