



Case Report

1	Case Number	0337/17
2	Advertiser	Best & Less
3	Product	Lingerie
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	09/08/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.2 - Objectification Exploitative and degrading - women
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

The Advertisement depicts three women of various ages in their respective apartments over a number of days as they complete their morning dressing ritual. The women are clothed wearing bras and looking in their mirrors

THE COMPLAINT

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

I greatly disapprove of the way the women were showing their bra and underwear by positioning their bodies in a very showy manner.

The ad is showing women who are extremely well developed in their breasts in particular, wearing very provocative bras but also underpants. The ad is being shown during times when my children and grandchildren are watching TV. One of my boys is nearly 14 and this type of viewing for a commercial is not at all appropriate. I feel it's also exploiting women.

THE ADVERTISER'S RESPONSE

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

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 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 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, 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 is typical women of varying sizes and shapes should not be perceived as inappropriate (as alleged in Complaint reference 0337/17), and this view is likely to be shared by the broader community;*
- the imagery of the females in a various underwear pieces depicting fit and comfort are 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 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 for fit AND comfort";*
- none of the product worn by the actors is provocative, for example, it is not minimal or 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, as suggested in Complaint dated 12 July 2017.*

Best&Less 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 typical women of different ages in 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;*
- 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.

- reviewing both Complaints it seems that the complainants 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.*

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

Finally we previously indicated that the Advertisement was a limited run promotion and would cease airing from 23 July 2017. However as we have received positive feedback from our customers about the Advertisement we are currently reviewing further insights from our commissioned data and at this stage intend on airing the Advertisement again in the near future.

If you have any concerns or queries about this approach or would like any further information please let us know.

THE DETERMINATION

The Advertising Standards Board (the "Board") considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the "Code").

The Board noted the complainants' concerns that the advertisement depicts women in provocative underwear posing in an inappropriate and exploitative manner.

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

The Board considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: "Advertising or marketing communications should not employ sexual appeal: (a) where images of Minors, or people who appear to be Minors, are used; or (b) in a manner which is exploitative and degrading of any individual or group of people."

The Board noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:

"Exploitative - means clearly appearing to purposefully debase or abuse a person, or group of persons, for the enjoyment of others, and lacking moral, artistic or other values.

Degrading – lowering in character or quality a person or group of people.”

The Board noted that in order to breach this Section of the Code the images would need to be using sexual appeal in a manner that is considered both exploitative and degrading.

The Board noted this television advertisement depicts three women modelling different styles of underwear available to purchase at Best & Less.

The Board noted the complainants’ concerns that the advertisement exploits women.

The Board noted that the lingerie is available for purchase in store and that it is reasonable to expect the advertiser to use available product in the advertising for that store.

The Board noted that each woman in the advertisement is facing the camera and her full head and torso is shown. The Board acknowledged that some members of the community may find the use of a woman in lingerie to be exploitative but the Board considered that in the context of a lingerie advertisement it is not exploitative to use such images and in the Board’s view the manner in which the women are depicted is not degrading to these woman or to women in general.

Consistent with previous determinations regarding the depiction of women in lingerie in television advertisements (0251/15, 0337/16) the Board considered that the current advertisement did not employ sexual appeal in a manner which is exploitative and degrading of these, or any other, woman.

The Board determined that the advertisement did not breach Section 2.2 of the Code.

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 it had previously dismissed a similar complaint about a Best & Less advertisement for their underwear in case 0496/14 where:

“The Board noted that the woman’s underwear covers her private areas and considered that the style of underwear is every day rather than special occasion underwear and the woman’s dancing is not sexualised or inappropriate.”

The Board noted that the current advertisement has been rated G by CAD which means it can be viewed by a broad audience which would include children. The Board noted that the type of underwear modelled is of the everyday variety, rather than special occasion, and considered that the level of nudity is mild and the poses of the women are not sexualised or designed to be sexual in any way.

The Board acknowledged that some members of the community would prefer for women’s underwear to not be advertised on television but considered that the manner in which the underwear is advertised in this advertisement is not sexualised and in the Board’s view it is not inappropriate for viewing by the relevant G audience which would include children.

Overall the Board considered that the advertisement did treat the issue of sex, sexuality and

nudity with sensitivity to the relevant broad audience and 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.