



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0343/11</b>
<b>2</b>	<b>Advertiser</b>	<b>Pacific Brands Holdings Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>Clothing</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>14/09/2011</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

- 2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience
- 2.1 - Discrimination or Vilification Other
- 2.1 - Discrimination or Vilification Sex

### DESCRIPTION OF THE ADVERTISEMENT

The advertisement is called 'Keep it Rio'. It shows men and ladies modelling underwear. The opening scene shows a male model lying on a bed in his underwear with money falling around him.

### THE COMPLAINT

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

*The opening scene portrays a male model lying prostrate on a bed in his underwear. Cash is falling around him. The briefs are very sexual and tight showing lumps of what I guess is his tackle showing. The way the male is laying on the bed is very sexual.....and offensive. I have 4 children ranging from 1-16 years. I would not like them to see this kind of sexual portrayal of the male or his underwear. The advertisement has been shown during family TV time. It should not be on TV (if at all) until after 9pm.*

*This is fine and possibly true except for the blatantly racist innuendo occurring during this statement. An extraordinarily Nordic looking young man with piercingly blue eyes and straight blond hair verging on white turns to the camera to fill the shot with an expression on his face as much as to say 'duh'. Clearly meant as an example of the 'type' for whom 'thinking' is not a 'strong point'. A more average looking young 'Aussie' or perhaps 'Eric and Bilal' gaping together might have made the point more tastefully. The blatant 'dumb blond'*

*smear however is inescapable to me though I can understand how in today's bigoted Ayrophobic society this sort of filth genuinely passed under 'RIO's radar. This is no joke as the existence of criminal sanctions against vilification demonstrate. Furthermore I'm so livid about this following half a centuries personal experience with the rewriting of my peoples history that I do not intend to let it rest. Court action against 'RIO' will not help their reputation nor that of your own organisation a process which I have difficulty in imagining failing. Hopefully you shall be able to broker some friendly resolution of this issue a brief modification to the add. perhaps without my resourcing to hysterical solutions. Best of luck.*

## **THE ADVERTISER'S RESPONSE**

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

*Rebelling against the barrage of overly oiled and sculpted male models is exactly why we created this advertisement in the first place.*

*This ad directly questions the type of imagery that this complaint describes as offensive; images that have become synonymous with designer underwear brands around the globe. Our commercial is very much designed to be a light-hearted dig at fancy underwear companies advertising such as Giorgio Armani and Calvin Klein. In fact, the opening line of our ad is "How did undies go from this... to this?" which clearly parodies clichéd male underwear ads.*

*Rio is the opposite of expensive, designer underwear brands as it is an everyday brand offering great comfort and value in men's and women's underwear and socks to the average Australian. The new line for the brand 'Keep it Rio' supports this position and the ad is designed to enable viewers to see through the superficiality of designer brands and 'keep it real'. The ad tone is light-hearted and bit cheeky which is reflective of the Rio brand personality, which has been in the Australian market for the last 30 years.*

*As Rio is an underwear brand, it is also obviously very important to be able to show underwear on bodies in advertisements.*

*Please note that the commercial was given a PG rating by CAD which means it can be shown at the following times:*

- Weekdays 8.30am – 4.00pm*
- Weekdays 7.00pm – 6.00am*
- Weekends 10.00am – 6.00am*

*The guidelines were all adhered to with the media buy.*

## **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 derogatory references to particular ethnic groups and includes highly sexualized images of a young man in his underwear.

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

The Board first 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, sex, age, sexual preference, religion, disability or political belief.'

The Board noted that one scene in the advertisement features a woman walking along a promenade by the beach, passing a male of 'nordic' appearance as the voice over makes comment about "thinking not being your strong point".

The Board considered the complainants' concerns that the advertisement is offensive and negatively stereotypes men and/or people of blond appearance by the assumption that they are not very intelligent. The Board agreed that this portrayal was a negative stereotype, but was a very minor part of the advertisement and was presented in a humorous context that did not implicate a disadvantaged or minority population group. The Board considered that the objective of the advertisement is to add humour and an exaggerated approach to draw the attention of the audience to the unnecessary lengths that consumers go to to buy underwear that is fashionable rather than practical.

Based on the above the Board determined that the advertisement did not objectify a particular race of people and did not depict any material that discriminated against or vilified any person or section of society. 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 2.3 of the Code. Section 2.3 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone".

The Board considered the position and movements of the male model in the opening scene were mildly sexually suggestive, however the depiction is clearly a light-hearted dig at other underwear companies intended to be humorous and fun.

The Board noted that the product being advertised is a range of underwear and that it is acceptable for the advertiser to advertise its product in a way to demonstrate how it is worn and to highlight what differentiates the product from other brands. The Board noted the advertisement featured no nudity and that the focus of the advertisement was clearly on the underwear worn by the various people.

The Board considered that the level of sexual suggestiveness is very mild and is appropriate for the PG rating the advertisement received from CAD.

The Board considered that the advertisement was not overtly sexually suggestive or sexualised and did treat the product and target audience with sensitivity and therefore did not breach section 2.3 of the Code.

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