



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0362/18
2	Advertiser	Best & Less
3	Product	Lingerie
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	22/08/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a woman wearing a peach coloured bralette waking up and getting out of bed. A woman in a pink underwire bra adjusts the straps. A woman in a peach wirefree bra and floral underwear removes a white robe as she walks into the bathroom. A woman adjusts her floral underwear. A woman wearing black underwear with 'HAVANA GOOD TIME' written on the back walks down a hallway. A woman wearing a navy bra and pineapple-print underwear dances in the sunlight coming through her window. A voice over states 'At Best & Less, our underwear is fit for everybody. Delicate. Supportive. Comfy. Colourful. Cheeky. We guarantee you'll look and feel fabulous/ All at our everyday low prices. That's why we're called Best & Less.'

THE COMPLAINT

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





I felt this was too over the top. Too seductive.

I understand that it would be hard to advertise bras and underwear without coming across slightly sexual but the way in which brought about was more than needed. Slow motion scenes and close up camera shots was not necessary.

The start of the advertisement focus on the woman's very larg breasts and it is so in your face that's all you can see and they continue to be prominent throughout the commercial. It is very degrading to women and I do not want my two boys thinking that women exposing themselves this way is acceptable. It's simply not ok.

My husband and son wear wAtching with my daughters and they were offended and embarrassed with the content of the advertisement

There is no need to have suggestive images/such barely clad women in tv ads at these times of day, (not really anytime).

Woman in bras and undies is one thing, but her posing and rolling out of bed is not needed. Far too suggestive.

THE ADVERTISER'S RESPONSE

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

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 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 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 the three Complaints referenced 0362/18), and this view is likely to be shared by the broader community;*
- the imagery of the females in a various underwear pieces depicting fit, style 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. This is reinforced by the voiceover which refers to "At Best & Less, our underwear is fit for everybody!" and "All at our everyday low prices";*
- 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 the Complaints. 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 "At Best & Less, our underwear is fit for everybody!" and "All 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 "W" rating received by CAD:

- General/Warning "W" Definition: May be broadcast at any time except during P and C programs or adjacent to P or C periods. Exercise care when placing in programs principally directed to children. Product Description: Commercials which comply with the G classification criteria in Appendix 1 of the Code of Practice but require special care in placement in programs principally directed to children.

- reviewing all three Complaints it seems that the complainants may believe it is inappropriate to show an advertisement featuring women wearing underwear on television. Best&Less do not believe this is reflective of Prevailing Community Standards.

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

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 complainants' 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 2.2 of the Code. Section 2.2 of the Code states: "Advertising or marketing communications



should not employ sexual appeal in a manner which is exploitative or degrading of any individual or group of people.”

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

Exploitative - (a) taking advantage of the sexual appeal of a person, or group of people, by depicting them as objects or commodities; or (b) focussing on their body parts where this bears no direct relevance to the product or service being advertised. Degrading – lowering in character or quality a person or group of people.

The Panel noted the complainants’ concerns that the advertisement is degrading of women.

The Panel first considered whether the advertisement used sexual appeal.

The Panel noted that the television advertisement depicts five women wearing different sets of underwear. The women appear to be in different stages of getting out of bed and going to the bathroom. The Panel considered that the depiction of the women in underwear in combination with their activities did constitute sexual appeal.

The Panel then considered whether the advertisement used sexual appeal in a manner that was exploitative of an individual or group of people.

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

The Panel considered that although there is focus on the women’s body parts, this is directly relevant to the product being advertised, and is intended to highlight the fit and make of the product.

The Panel considered that the advertisement is using the sexual appeal of the women, but that the advertisement does not depict the women as object, unnecessarily or inappropriately focus on their body parts or lower them in character or quality. The Panel considered that the advertisement did not employ sexual appeal in a manner which is exploitative or degrading of the women or women in general.

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

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 advertisement had been given a ‘W’ rating by CAD and that



the relevant audience would be broad and likely to include children.

The Panel noted the complainants' concerns that the images of young women displaying their bodies were offensive.

The Panel considered the advertiser's response that the advertisement did not contain 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 noted that some complainant's were concerned about the size of the breasts of the first woman in the advertisement, and that larger breasts were inappropriate for an advertisement that may be viewed by children. The Panel considered that fuller breasted women are consumers of the product, and that the inclusion of fuller breasted women is not a breach of the Code.

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

