



Case Report

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| 1 | Case Number | 0384/15 |
| 2 | Advertiser | Pacific Brands Holdings Pty Ltd |
| 3 | Product | Lingerie |
| 4 | Type of Advertisement / media | Billboard |
| 5 | Date of Determination | 14/10/2015 |
| 6 | DETERMINATION | Dismissed |

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This billboard advertisement features Jessica Marais wearing peach coloured matching underwear. Jessica's arms are raised above her head and she is smiling at the camera. The text reads, "Nothing Feels as Good as The Sensation. Our Softest Bra Ever".

THE COMPLAINT

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

I was taken aback to see such a large advertising poster at the tram stop facing the aquarium, of a lady only wearing Berlei bra and panties. We live in a world with so little innocence left and much sexual violence. So much offensive material is thrown in our face from advertising and it has no regards for which age group can see. I believe there is a proper place for all things. Some advertising is best left in the appropriate department that sells those items, not in a public area or place that has nothing to do with the product. Please consider and make wiser decisions into what you allow to be displayed. There are people who care as to what happens to our society.

THE ADVERTISER'S RESPONSE

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

We write in response to the complaints against the Berlei Sensation OOH.

In September 2015, the Berlei Sensation campaign featuring Jessica Marais went live to launch Berlei's new product range – The Sensation. The product is Berlei's 'softest ever' and our message aims to communicate the supreme softness of the bra and underwear that Jessica Marais is wearing.

In regard to the complaint that has been made to the ASB under Complaint Reference Number 0384/15 against sections of 2.1 (discrimination or vilification), 2.2 (exploitative and degrading), 2.3 (violence), 2.4 (Sex, sexuality and nudity), 2.5 (language) and 2.6 (health and safety), we take the opportunity to refute these.

We strongly disagree that our Berlei Sensation campaign discriminates, vilifies, exploits or degrades anyone nor is it violent, sexualised or featuring nudity (as the main talent is wearing non-exposing bra and underwear). The talent used in the campaign is a well-known and loved Australian personality. We disagree and do not believe the Berlei Sensation campaign poses any danger to health and safety.

In reference to section 2.4, Berlei is an underwear brand and having talent wearing the product is integral to showcasing the product available for purchase. The campaign was shot in a tasteful, dignified manner, and we refute any suggestion of sexualisation or pornography. Whilst Berlei retail partners, including Myer and David Jones do support the campaign in store, we also advertise outside of store environments to ensure consumers are made aware of the availability of this product without having to enter a store.

We trust upon viewing the OOH, and our written response, you will agree that the Berlei Sensation campaign does not breach the AANA Advertiser Code of Ethics.

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 concern that the advertisement depicts an image of a woman in lingerie in a manner which is offensive and not appropriate for outdoor display.

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

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 this billboard advertisement features Jessica Marais wearing Berlei underwear.

The Board noted it had recently dismissed complaints about the television version of this advertising campaign for Berlei in case 0370/15 where:

“The Board noted that the advertisement focuses predominantly on the model and that she is

wearing only underwear. The Board noted that the model is fully covered by her underwear and she is talking and making jokes about the difficulty she has in having to wear so many dresses that are uncomfortable...

... The Board considered that... most reasonable members of the community would agree that the content of the advertisement is not pornographic but rather a celebration of comfort and freedom. The Board noted in particular the scene where the model runs her hand along the length of her body and considered that the action is not intended to be sexualised and that she is merely highlighting the comfortable nature of the underwear.”

The Board noted the current advertisement and considered that whilst the pose of the model is mildly sexualised the style of lingerie she is wearing is not sexy and does not reveal her breasts or genitals.

Consistent with its previous determinations against similar advertisements (0177/15, 0331/15, 0373/15), the Board considered that it is reasonable for the advertiser to show a model wearing the product that they are trying to promote and considered that in this instance the advertisement is in keeping with the style of advertising used to highlight the features of a particular brand.

The Board noted that the large billboard placement meant that the image was able to be viewed by a broad audience but considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

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 complaint.