



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0393-19
2. Advertiser :	Hanes Brands Inc
3. Product :	Lingerie
4. Type of Advertisement/Media :	Billboard
5. Date of Determination	11-Dec-2019
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.2 Exploitative or Degrading
AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This billboard advertisement features the words "It's the BONDS that make the season" and three images with captions. The first image is captioned 'Soul Mates' and features a woman in red underwear seated with her child facing her on her lap, so that their foreheads are touching. The second image features the caption 'Wombmates' and features two babies, one leaning over to kiss the other on its cheek. And the third image features the caption 'Neighbours' and has a woman in red underwear and a man in boxers laughing together.

THE COMPLAINT

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

I am disappointed in your advertisement on Liverpool road (Cosgrove intersection) with a Christmas advertisement showing women in bonds underwear. This advertisement is not appropriate for children. I don't walk around in my underwear showcasing to my children or the neighbours children next door my undergarments.

Why is it considered acceptable by your advertisement campaign to advertise in a public space, on a billboard, on a main road bond Christmas underwear? This also



objectifies women. As a feminist this reduces women to an object while discriminating against what we stand for. Please remove this. I await your reply.

THE ADVERTISER'S RESPONSE

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

Bonds is an underwear and apparel brand, best known for creating fun, fashionable, comfortable undies and clothing for the whole family. Bonds launched their 2019 Christmas campaign on 3rd November, 2019 with their large format billboards going live one week earlier on 27th October, 2019.

Launching the festive Christmas range of underwear and clothing, the "It's the Bonds that make the season" campaign champions the love we have for those we're closest to and seeks to remind Aussies what's important at this time of year. The campaign puts a spotlight on some of the unique and touching bonds shared by real Australians and features real people – not paid models/actors – across both stills and film, who range in age from 9 months old to 91 years old. The campaign tells the story of a series of incredible bonds including a young woman who defied medical recommendations to donate a life-saving kidney to her younger sister, a couple who've been married for 70 years, and IVF triplets born to three different mothers.

The advertisement on Liverpool Road, Cosgrove intersection, NSW (Hume Highway overpass) features a series of three images. The first is of mum, Bailey, holding her baby daughter Lila, in a quite moment of foreheads touching – Bailey wears high-waisted red underwear and matching bra, Lila wears a confetti print tutti dress. Their relationship is coined as SOUL MATES. The second image is of fraternal twins, Alejandra and Finn – WOMBMATES. Finn is giving his sister a cute kiss and they are both wearing Bonds zippies. The third photograph is of friends, Manahou and Mika lying on the stairs of a home laughing together – Manahou is wearing a red triangle bra and matching underwear, Mika is in black trunks with silver stars. This relationship is described as NEIGHBOURS. All three moments are captured in a candid, authentic way and all talent are wearing items from the Bonds Christmas range. The billboard shares the campaign headline, IT'S THE BONDS THAT MAKE THE SEASON. In regard to the complaints that have been made to the ASB under Complaint Reference Number 0393-19, regarding section 2.2 and 2.4 of the AANA Advertiser Code of Ethics, we take the opportunity to refute as follows:

On a purely functional level, the underwear being advertised was secured to cover the female talents' genitals and breasts but the bigger purpose of each image is to showcase an emotional and physical connection between the featured groups of people. All talent are dressed in product that they would normally feel comfortable wearing when spending time with the person with whom they share the photograph



with. Any close-ups are intended to be of product, not body parts, to showcase product features including fit, fabrication, colour and/or embellishments. We also refute any inference that women's bodies in underwear or references to underwear are inherently sexual or devaluing to women nor inappropriate for children to see - each setting is within a home environment where one should feel comfortable in underwear.

We disagree that this billboard objectifies or discriminates against women, or is not appropriate for children. This ad is all about a celebration of the types of relationships we cherish at Christmastime and those beautiful, intimate moments that make those relationships so special – relationships so close, that you'd be comfortable giving them underwear or sleepwear as a Christmas gift. The types of bonds that we've showcased are all genuine relationships in authentic positions that felt natural to them specifically. All three images are family-friendly – and in fact feature family members together, the featured children are all fully clothed and all talent are dressed in Bonds Christmas product.

For the above reasons, we assert this advertising campaign complies with sections 2.1, 2.2, 2.3, 2.4 and 2.5 of the Code, as well as all other parts of section 2.

We trust upon reviewing the creative advertisements in line with our written response you will agree that Bonds' 'It's the Bonds that make the season' Christmas campaign does not breach the AANA Advertiser Code of Ethics.

THE DETERMINATION

The Ad Standards Community Panel (the 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 was objectifying of women and inappropriate for display where children may view it.

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

The Panel noted that 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 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 - means (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 that the advertised product is underwear and the advertiser is justified in showing the product and how it would be worn provided that in doing so it meets the provisions of the Code.

The Panel first considered whether the advertisement used sexual appeal.

The Panel considered that the style of the underwear the people were wearing was not inherently sexual, but considered that some members of the community would consider a depiction of anyone in underwear to be a depiction of sexual appeal.

The Panel noted that the advertisement features three images, two of which depict a woman in underwear and one which depicts a man in underwear. The Panel noted that the images are focussed on the product being advertised and are not specifically directed at the models' bodies.

The Panel considered that the people in the advertisement appeared happy and comfortable in the clothing they are shown in. The Panel considered that there was no suggestion of their character being exploited or degraded.

The Panel determined that the advertisement did not employ sexual appeal that was exploitative or degrading of any person or group of people and therefore did not breach Section 2.2 of the Code.

The Panel 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 Panel considered whether the advertisement contained sex, sexuality or nudity.

The Panel noted the Practice Note for the Code states:

"Images which are not permitted are those which are highly sexually suggestive and inappropriate for the relevant audience. Explicit sexual depictions in marcomms, particularly where the depiction is not relevant to the product or service being advertised, are generally objectionable to the community and will offend Prevailing Community Standards."

The Panel considered whether the image depicted sex. The Panel noted the dictionary definition of sex most relevant to this section of the Code of Ethics is 'sexual intercourse; sexually stimulating or suggestive behaviour.' (Macquarie Dictionary 2006).

The Panel considered that the depiction of men and women in underwear is not of itself a depiction of sexual intercourse, sexual stimulation or suggestive behaviour. The Panel considered that the advertisement as a whole did not contain sex.

The Panel considered whether the advertisement treated depicted sexuality.



The Panel noted the definition of sexuality includes 'sexual character, the physical fact of being either male or female; The state or fact of being heterosexual, homosexual or bisexual; sexual preference or orientation; one's capacity to experience and express sexual desire; the recognition or emphasising of sexual matters'. The Panel noted that the use of male or female actors in an advertisement is not of itself a depiction of sexuality.

The Panel considered that the underwear being promoted was not sexualised and considered that the depiction of the people in the advertisement wearing this style of underwear was relevant to the product being promoted. The Panel considered that the image references sexual matters as it is a promotion for a store that sells underwear in a wide variety of styles and that the image of the models posed in a manner that suggests they are showing off the underwear is a depiction of sexuality.

The Panel considered whether the advertisement contained nudity and noted that the dictionary definition of nudity includes 'something nude or naked', and that nude and naked are defined to be 'unclothed and includes something 'without clothing or covering'. The Panel considered that the Code is intended for the Panel to consider the concept of nudity, and that partial nudity is a factor when considering whether an advertisement firstly contains nudity and secondly treats that nudity with sensitivity to the relevant audience.

The Panel noted that the underwear worn by the models' covered their breasts and genitals. The Panel considered that most members of the community would consider an image of a man or woman dressed in only underwear to be a depiction of nudity.

The Panel then considered whether the issues of sexuality and nudity were treated with sensitivity to the relevant audience.

The Panel considered the meaning of 'sensitive' and noted that the definition of sensitive in this context can be explained as indicating that 'if you are sensitive to other people's needs, problems, or feelings, you show understanding and awareness of them.'
(<https://www.collinsdictionary.com/dictionary/english/sensitive>)

The Panel considered that the requirement to consider whether sexual suggestion is 'sensitive to the relevant audience' is a concept requiring them to consider who the relevant audience is and to have an understanding of how they might react to or feel about the advertisement – the concept of how subtle sexual suggestion is or might be is relevant to the Panel considering how children, and other sections of the community, might consider the advertisement.

The Panel noted that this image appeared on a billboard and considered that the relevant audience would be broad and would include children.



The Panel noted that recent research into community perceptions found that the general community were more conservative than the Panel's determinations relating to sexual imagery and nudity in advertising, and that the level of concern over nudity and sexualised content in advertising has been increasing over the last 10 years (https://adstandards.com.au/sites/default/files/2007-2017_community_perceptions_web.pdf).

The Panel considered that the advertisement is not sexually explicit or sexually suggestive. The Panel noted that the advertisement depicts a woman in underwear holding a baby, and a man and woman in underwear laughing on stairs.

The Panel considered that the advertisement does not reference sex, or any sexual themes. The Panel considered that children viewing the advertisement would view scenes of people in relaxed poses and would not view the advertisement as sexualised. The Panel considered that a depiction of people in underwear in a non-sexualised manner is not of itself a depiction of material that is a breach of the Code.

The Panel determined the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant broad audience and did not breach Section 2.4 of the Code.

Finding that the advertisement did not breach any other section of the Code, the Panel dismissed the complaints.