



Case Report

1	Case Number	0407/17
2	Advertiser	Pacific Brands Holdings Pty Ltd
3	Product	Lingerie
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	27/09/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The advertisement is intended to reveal all the bra frustrations women have endured over the years, before seeing the relief the new WOMANKIND bra provides. The spot aims to be as real and authentic as possible about what boobs, and women have put up with.

THE COMPLAINT

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

I find it degrading to women and undermining, objectifying and under valuing our body parts. Not only that but it is inappropriate for children to see.

Too sexually graphic for family time television

My 8 year old son after the commercial started to tell me they that boons are sexy and he went to google more boobs on the computer...

This ad offended me as a young person as I have just been watching TV with my family and then the next thing I know there was boobs on the screen. Yes, I have boobs myself, but I thought it was incredibly inappropriate as my father was there and our Korean exchange student and potentially my little sister. I do not think it was necessary to show such offensive

material to tell your audience that you sell good bras. The images shown were extremely close to fully revealing the women's chests, and these are the reasons I think the advertisement was inappropriate and why it offended me.

It is inappropriate to be aired at this hour when families and young children are watching TV together.

Indecency.... displayed at inappropriate time for children. Unacceptable before 9pm. I don't want my kids looking at this ad. Ad also includes bouncing breasts fully covered by t-shirts not even displaying a product. I doubt they would advertise a bouncing penis so why breasts.

This ad might as well just have woman with boobs out one part shod breasts with just a nipple cover. And nipples poking out. They don't need to show all that. They could just show the last bit where they already have a bra on.

It is too early in the evening, children watch this & breeds contempt & disrespect for women. A bra can be advertised more tastefully than shown on this ad.

The advert was pornographic and degrading to the female body. It was offensive and unsuitable for children. No doubt rapists and the like would be enjoying it. I have written to Berlei but have not received response.

Too much on fitting large breasts into bras and at a time when children would be watching.

Content subjectifies women. With girls and women with low self-esteem issues and the onslaught of advertisements desensitising people to accept this type of advertising is appropriate and the norm, where does it stop. I've never put in a complaint before however how can Berlei justify that the add content is appropriate and respectful of women and girls. They have pushed the boundaries and why, for additional exposure and attention. Thought Berlei would have had more class. We can choose what printed material we purchase, however it is out of our control the content of advertisements on TV and we should not be subjected to this type of advertising. This add may seem harmless to healthy confident women, however spare a thought for those who have been sexually abused, bullied or are disfigured.

Too much exposure for my young teenage boys to be seeing and I as their mother also felt uncomfortable watching it.

2.4 Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

It was not at all permissible for this ad to be shown in the afternoon when children could be watching television. "Mummy, why is that lady bouncing her boobies and what are those sparkly things on them?" On another note, parents try to teach their sons to respect girls, but then advertisers think it is OK expose them to images of women taking off their undergarments (which occurs in the ads) because advertisers think it is edgy. A man was recently sentenced to jail for being a peeping Tom, but advertisers encourage this behaviour.

2.2 Advertising or Marketing Communications shall not employ sexual appeal:

(b) in a manner which is exploitative and degrading of any individual or group of people. Women are more than their breasts. Showing close-ups and mid-shots of breasts places the focus of the ad squarely on these women's "parts". It's degrading to reduce women to the sum

of their "parts", particularly when these images are shown to music that includes wolf whistling.

Please, get this ad off our televisions.

We know we need this item of clothing, being a woman. What we do not need is to have such an explicit display of various breasts, in various forms.

It was graphic in terms of exposing breasts but not the nipple

This Ad for Bras is not something you want young children being exposed to. It has been on at various times sometimes earlier in the day. I think it's too much exposure. I don't need my young kids watching this.

It is too graphic especially during this time slot. Children don't need to see this.

My 8 and 10 year old sons were watching home and away and seen this as. It was very offensive and sexual for 7 pm at night.

While I understand it's natural and bras are a problem I'm sure they could get the point across in a less full on manner

It's just another poor attempt to try & show as much of the breast as the possibly can & they have taken it to far. I do not want to watch the news & have breasts thrown in my face - this world has gone mad & i from this day forward i will never by Berlei again - there is no class in your product or your advertising !!!!!

It's full of nude and near nude breasts I find it extremely offensive and borders on pornography. It's totally inappropriate and explisite I have 3 boys at home and think it's totally unnessacary and I personally would not go out and buy their bras. Now or in the future.

Unnecessary viewing of close ups of women's breasts with nipple covers/stickers-

Do you show the tip of a mans penis when advertising mens underwear?

No-

Why show women nipples with stickers?

I object and I'm sure many other woman would too as it's an awkward advertisement to watch while having children watching TV with you. Breasts wobbling, uncovered and only nipples covered to which is a form of nudity and at the time of 8.30 pm is inappropriate. It is potentially offensive. I don't want to watch TV with my kids and an Ad like this comes on. It's actually embarrassing ... Very Awkward!

Surely this is breaching the ASB code .. ?

Below is an attachment of the actual commercial. Thanks for your time.

<https://youtu.be/OJXNY38q2S0>

The ad is very offensive to the community. As a woman I felt humiliated and embarrassed to watch an ad like that in the presence of young boys and elderly men. I also felt embarrassed watching it in the presence of my 11 year old daughter. My young girl feels intimidated about developing breasts after the viewing the ad. She thinks breast are painful and have red sores as depicted in the ad. There is nudity in the ad, especially in one scene whereby "circle

stickers" are being placed on the nipples of breasts. There is also nudity whereby a woman is scratching her breasts. That scene is very offensive, as women should not be degraded in that way. Yes Berlie can claim that ill fitting bras can cause itchiness, but so can ill fitting underpants, but it's offensive to scratch bottoms on TV. So why are scratching breasts allowed on TV?

The bouncing breast scenes is very sexual, especially the scene whereby the woman has pouted lips. There is too much close up cleavage.

Overall the ad is offensive, disturbing and rude and should not be on our TV screens.

I simply think it was entirely inappropriate for this time slot, its 8:00pm, young kids are watching Survivor on channel 10 and I simply think the content of the add was quite revealing and not appropriate for young kids to be viewing. I know for a fact this is a controversial ad and heard it has been taken off of certain social media outlets (which I would have thought were more relaxed than free-to-air tv)

Considering a fathers day ad was somehow rejected I'm perplexed as to how this managed to gain approval?

I have no problem with advertising bras, believe me, but the content of this add went too far, I don't want to see random women's exposed breasts on my television, please review.

Its quite revolting and cheap advertisement . Cannot watch the show with my family just because of that bra ad. Please stop that ad which Instagram has already banned .

Thank you

It is too highly sexualised for viewing with a lot of cleavage and near exposure of breasts - it doesn't leave much to the imagination especially where there is a teenage boy in the house. i don't want my son viewing this nor my younger 7 yr old. we know bras can be uncomfortable but we don't have to have breasts practically shoved in our faces

Firstly I want to say that I wear berlei bras (not because of their advert but because they are a good product but may reconsider in protest if they continue along the same lines) and wonder who on earth is coming up with this???. We as women know we have breasts and need to wear bras. We don't need to see a barrage of women's breasts displayed for women men and children to see. Of particular offence is the lady squeezing her breast with just a nipple cover. A little bit of modesty should be considered. We're not at the beach where you can expect people to be in bikinis or watching MA/R movies. We are in our lounge with family members and children. Lift your standards.

It is in your face and you see way too much of her groin area it's not appropriate especially when the boy model is wearing boy legs underwear and not jocks. Plus it is on every single ad break of the bachelor so is hard to ignore.

I was offended by practically bare breasts been thrown in my face. I think it is highly inappropriate and was embarrassed as I was watching Family Fued with my 10 year old son. It is inappropriate with how much of these womens breasts are exposed. It is unbelievably shown at 'family' viewing times, but in all honesty I would be embarrassed to see this add at any time of the day or night. Please have this add removed from our televisions. Thank you

You could see the women's breasts in full view besides the nipple

Not the appropriate time slot as children are still able to veiw and the ad showed very close up images of lots of breasts and touching and movement of them.

Boobs everywhere. So awkward watching TV with my family. Seriously this is prime time, what is the world coming to?

It's not appropriate to show near topless women wearing nipple covers 5.30pm in the afternoon when kids are watching.

I am offended because I feel it is too much boob for primetime tv ads.

Firstly, the ad was viewed at a time slot between 7-7:30 when both my 9 and 5 year old was watching TV. The ad contained a number of confronting images that even I as a woman felt uncomfortable seeing. The images of breasts without a bra under a thinly veiled shirt, movement of unsupported breasts moving up and down, breasts being shoved forcefully in a bra that is visibly too tight and one scene with only what appeared to be a stick on bra. I don't believe this type of advertising is necessary to sell a product especially given the time it was viewed.

The ad including an excessive amount of nudity including the majority of a few women's breasts. There was a lot of cleavage shown, and even the irritation of skin on the breast. The entirety of the ad focused in on breasts as a bra ad would, but the way in which it was portrayed was inappropriate for most ages and un-tasteful.

Its embarrassing, giving too much information about womens issues that men and children dont need to see. Nothing is sacred anymore. I thought it was advertising some r- rated movie as it was quite confronting and purely showed too much. We dont get adverts with mens testicles flopping around inside their jocks do we?

Boobs everywhere! Talk about teenagers being addicted to porn! Of course they will be when boobs bouncing all over free to air tv is NORMAL !!!

Just wrong. These ads NO NOT help when it puts the full focus on a women's breast. Even my gay son turned away with this ad

Shows taped breasts barely covered, breasts with only nipples covered, breasts bouncing in slow motion...completely inappropriate and unnecessary

This was in a family time slot and we all found offence as it was showing nearly naked breasts up close and people pulling on/off patches over their breasts. The content was not suitable for young children to watch.

It was broadcast in the middle of a very commonly family-viewed program.

Unacceptable for the timeslot and amount of nudity. Even kids were shocked and said inappropriate

Images of bare breasts and parts of breasts being shown during family times and during a family show. I am offended by myself and my family having to watch nude images.

Ad focused on boobs. Too much breasts. Was shown during the show "family feud" with a lot of children watching. At 6.15pm on Sunday night. Very inappropriate.

I have NEVER complained about an ad before but this ad was offensive. My son's were appalled. Totally inappropriate. Shame on you Berlei and Channel 10!

THE ADVERTISER'S RESPONSE

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

We refer to the letter received on 5 September 2017 in relation to the complaints reference 0407/17. Hanes Australia Pty Ltd (formerly Pacific Brands Holdings Pty Ltd) owns the Berlei brand. Berlei is an intimates brand that manufactures, markets and retails bras and underwear for women.

We have considered the complaints and the advertisement in question in light of the provisions of the AANA Code of Ethics ("the Code").

We note that the nature of the complaint relates specifically to the concern that the advertisement in question contains inappropriate levels of nudity. We have carefully considered the Code, and have assessed its provisions against the content of this advertisement. We submit that the advertisement does not breach the Code on any of the grounds set out in the same.

Section 2.5 of the Code provides that "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience." The advertisement in question features multiple and varied shots of women's cleavage being fitted into ill-fitting and uncomfortable bras. The ad serves to highlight some of the extreme lengths women go to in order to fit into a bra that may be trendy or fashionable but is not comfortable or supportive. Also spliced in are occasional vintage shots of older types of uncomfortable bras.

In most cases the breasts are covered, however in some instances the breasts are seen but the nipple is always censored. Importantly none of the shots of breasts used in the advertisement are glamourised or sexualised in any way, in fact they are depicted in an unglamorous and harsh light in order to highlight the discomfort associated with fitting breasts into an ill-fitting bra. Accordingly, in our view the level of nudity present in the advertisement is mild at most, and treats the subject matter with an appropriate level of sensitivity to the relevant audience. Most reasonable consumers in our view will recognise that the intention of the ad is not to excite viewers with inappropriate sexual imagery, but rather, to draw attention to a common problem that impacts all females in a frank but light-hearted manner.

We note that the advertisement was issued with a "J" rating by CAD and was shown in timeslots appropriate to that rating, outside of children's programming.

On the above bases, we submit that the advertisement does not breach provision 2.4 of the Code. Further, we submit that the advertisement does not breach any other provisions of the Code.

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 features unacceptable levels of nudity, indecency and inappropriate exposure of women and their breasts.

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 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 - purposefully debase or abuse a person for the enjoyment of others, lacking in 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 that this television advertisement features many different women struggling with various bras and options for breast support or coverage to suit certain outfits. The women are seen lifting and strapping their breasts while particular text appears on screen such as "suppressed, hidden away, bound, lumped together and forced apart." The final scene shows women wearing the new product called Womankind and website details and stores that stock the product.

The Board noted that some of the images expose a significant amount of the women's breasts but considered that as the women are shown struggling with bras and various other options, the portrayal of the women are not sexualised images and does not employ sexual appeal to promote the new bra.

The Board considered that the women are presented in a realistic light and that many female members of the community would recognise and identify with the battle of bra comfort.

The Board considered that all the women are portrayed in a manner that is true to life and note in a manner which is exploitative and degrading of any individual or group of people.

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 the advertisement had been rated J by CAD which is similar to a PG rating but with care and noted that the advertisement had been aired at times appropriate to this rating.

The Board noted that overall the tone of the advertisement is one of struggle and it does not have a sexual tone at all. The Board considered that some members of the community would prefer that images of women's breasts were not shown on television at a time that could be

viewed by children.

The Board noted that at no stage were the women shown completely naked and that there were no exposed nipples.

The Board determined that the genuine and real nature of the advertisement was relevant to the product and relevant to female viewers and considered that in the context of an advertisement for bras, a depiction of women struggling to fit into a comfortable bra is not inappropriate and does 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.