



Case Report

1	Case Number	0422/17
2	Advertiser	Hanes Brands Inc
3	Product	Lingerie
4	Type of Advertisement / media	TV - Pay
5	Date of Determination	27/09/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

Our TV spot reveals 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 object to having to put up with the over emphasises, up close focus on womens breasts. It really is bordering on light pornography.

It's basically porn on tv at 6:30pm!!! I don't think my kids or anyone else's should need to see nipples & bouncing breasts on our tv screen! What is the point of having child locks on tv if trash like this still makes it on my tv this early in the evening!!

Its not necessary to advertise a "comfy bra" in a provocative way.

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 for reference 0407/17 and confirm the response is the same for reference 0422/17. 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 in a provocative way.

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 not 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 on Free TV but and noted that the same rating does not apply to Pay TV.

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 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.