



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0492/18
2	Advertiser	Hanes Brands Inc
3	Product	Lingerie
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	14/11/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.3 - Violence Domestic Violence
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a close up of Serena Williams face as she sings "I touch myself" by The Divinyls. The scene zooms out slowly to show her from the breasts up, as her hands cover her breasts.

THE COMPLAINT

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

topless just her hands covering nipple area saying feel yourself. I think its discusting, and the wording could have been better. Not good for the young viewers

Advert is using domestic violence to promote product

Berlei's add with Serena Williams nude is completely inappropriate for the time it is viewed. As my young teenagers and 6 year old said, Mum that makes me feel Sick looking at that.



disgusting singing masterbation song I touch myself and exposing breast and serena looked miserable. This is a chrissy amphlett masterbation song. When you check your breasts you examine yourself there is. A photo of chrissy with her hand touching herself disgusting and chrissy was on drugs it is on the internett it was chanell 11

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 Ad Standards letters dated 1 November and 2 November 2018 in relation to complaint reference no 0492/18. Hanes Innerwear Australia Pty Ltd (Berlei), a wholly owned subsidiary of Hanes Brands Inc., owns the Berlei brand in Australia and New Zealand.

We have reviewed the advertisement in question (the Advertisement) against all the provisions of Section 2 of the Advertiser Code of Ethics (Code). We have carefully considered the Code and submit that the Advertisement does not breach any part of section 2 of the Code for the reasons set out below.

Before looking at each provision in Section 2 of the Code we wish to describe the Advertisement and the rationale behind its creation. Berlei is a intimates brand that manufactures, markets and retails bras and underwear for women. This Advertisement was created by Berlei in conjunction with Serena Williams, the I Touch Myself Project, and the Breast Cancer Network of Australia (BCNA). The Advertisement was created to be shown in October which is Breast Cancer Awareness Month. In the Advertisement, Serena Williams is singing her own version of the Divinyls global hit "I Touch Myself" to remind women to regularly self-check their breasts for breast irregularities. In the Advertisement Serena Williams is promoting breast cancer awareness in which she covers her bare chest with her hands and sings a cover of The Divinyls' hit I Touch Myself. There is no nudity and it is not depicted in a sexual manner. The music video is part of the I Touch Myself Project which was created in honor of celebrated musician, Chrissy Amphlett, who passed away from breast cancer, and who gave us her hit song to remind women to put their health first. Chrissy Amphlett wanted "I Touch Myself" to be an anthem for breast health, and wanted to encourage women to self-check regularly.

The project is proudly supported by Berlei for BCNA with 100% of profits sold from the Berlei Chrissy bra being donated to the BCNA. Berlei has been a proud partner of BCNA since 2005, and have donated over 130,000 My Care kits to Australian women who have undergone breast cancer surgery. Berlei is committed to pioneering products, backed by ongoing research and development that offer support to those affected by breast cancer.



This Advertisement has been given a 'G' rating by CAD in Australia, and has been approved for use by Google. As well as being available online, the Advertisement is aired on Free to Air television and has been scheduled so that it is not intended to be shown during any free-to-air program targeting children.

Addressing each part of Section 2 of the Code, the relevant provisions and our comments in relation to each are as follows:

2.1 Advertising or Marketing Communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.

There is nothing discriminatory or vilifying contained in the Advertisement. The message of the Advertisement is to encourage breast cancer awareness in women. There is also nothing within the Advertisement that describes or depicts any negative, unfair or less favorable treatment of women or the disabled, or of any other person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.

The Advertisement does not humiliate, intimidate or incite hatred, contempt or ridicule for women or the disabled. It is an important health message that educates and encourages all women to self-check.

2.2 Advertising or Marketing Communications shall 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.

There are no images of Minors used in the Advertisement. The Advertisement does not employ any sexual appeal, let alone in an exploitative or degrading manner. As already indicated the purpose of the Advertisement is to create awareness of breast cancer and to encourage women to self-check their breasts.

2.3 Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

There is no violence present or portrayed in the Advertisement.

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

This Advertisement has been given a 'G' rating by CAD in Australia, and has been approved for use by Google. As well as being available online, the Advertisement is aired on Free to Air television and has been scheduled so that it is not intended to be



shown during any free-to-air program targeting children. The Advertisement is not sexually suggestive and does not contain any nudity.

2.5 Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided.

There is no strong or obscene language used in the Advertisement.

2.6 Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

The Advertisement contains an important community health message that build awareness of breast cancer and encourages women to self-check for breast irregularities. It does not show women involved in unsafe activities or acting in a way contrary to their health or safety.

2.7 Advertising or Marketing Communications shall be clearly distinguishable as such to the relevant audience.

The Advertisement is clearly recognizable as an advertising or marketing communication to the relevant audience.

On the above bases, we submit that the advertisement does not breach any provisions of the AANA Code of Ethics.

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 highly sexualised lyrics from a song which was written about masturbation, and a topless woman.

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

The Panel noted that this television advertisement features well-known tennis player Serena Williams as she sings ‘I Touch Myself’, a song mostly attributed to the Divinyls and Chrissy Amphlett. The camera pans down from her face to finish with a scene of her naked from the waist up with her hands covering her breasts. The advertisement ends with text “Touch yourself. A breast health reminder.” And logos for Berlei and



Breast Cancer Network Australia.

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 considered that this advertisement was given a ‘G’ rating by CAD and that this meant that it would be viewable by a general audience, which would include children.

The Panel noted the complainants’ concerns that the advertisement featured highly sexualised lyrics from a song which was written about masturbation, and a topless woman.

The Panel noted the advertiser’s response that the original singer of the song “I Touch Myself”, Chrissy Amphlett, gave consent for the song to be used in breast cancer awareness promotions.

The Panel acknowledged that the lyrics of the song are sexualised, however considered that in the context of the images used the words of the song are less likely to be interpreted literally. The Panel noted that advertisers may use iconic songs and music to appeal to audiences, but the lyrics of such songs would not necessarily be a focus of the advertisement, or be considered as a direct narrative of an advertisement.

The Panel noted that the advertisement features well-known tennis player Serena Williams topless with her hands covering her breasts. The Panel considered that her breasts are well covered and there is no inappropriate nudity. The Panel considered that in the context of an advertisement promoting breast awareness, the depiction of the woman was not inappropriate for a broad audience that would include children.

The Panel considered that the broadcast of this advertisement in a television environment was not inappropriate and was not inappropriate considering the important public health message that the advertiser is endeavouring to communicate.

The Panel considered that the depiction of the naked woman in the advertisement was not of itself a sexualized portrayal of the woman and that the complainants’ concerns regarding her nudity were not an interpretation that would likely be shared by the majority of the community, given the public health message of the advertisement.

The Panel considered that most members of the community would not consider the advertisement overtly sexualised and determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and 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 complaints.

