



## Case Report

1	Case Number	0496/14
2	Advertiser	Best & Less
3	Product	Clothing
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	26/11/2014
6	DETERMINATION	Dismissed

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

This advertisement features a woman in her underwear in a store change room dancing in front of the mirror. There are different scenes of the woman in different underwear pieces styling herself in front of the mirror until the curtain of the change room is pulled open by the woman's young daughter to reveal the mother in all her vivid glory to the rest of the store. Both of them scream in fright. The voice over says, "An unbelievable range of bras, now only \$5. Comes with the chance to win a year of babysitting."

### THE COMPLAINT

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

*The ad begins quite quickly with the lady dancing in underwear. The majority of the ad is seeing the lady in different underwear. Not much chance to change the channel/avoid viewing the woman.*

### THE ADVERTISER'S RESPONSE

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

*In response to one complaint lodged with ASB, and as a family brand and a responsible advertiser, it is Best&Less intention to treat this issue seriously and provide every level of*

*relevant information in our submission.*

*At Best&Less, we are in the process of transforming our business and our brand. As part of this, we launched a brand television campaign in October 2014.*

*To inform the campaign, we conducted national consumer research to better understand our customers: Mums, and what defines their lives.*

*Surprisingly, as much as most mums love motherhood, up to 46% of mothers secretly wish they could escape being a mum, just even for 5 minutes. As mothers ourselves and marketers, we understand that whilst we love our families, sometimes time for ourselves away from the children is exactly what is needed. The unrelenting demands of motherhood mean that many mums have dropped their own hobbies and interests in favour of their children's, and one of these includes the favourite pastime of shopping.*

*In the national survey, 62% of mums say that they rarely get time by themselves, however if given a day on their own, 46% of mums would go shopping just for them.*

*For the development of the television commercials, we tapped into this insight to develop a relevant position for Best&Less and our customer majority.*

*With the insight of mums fantasizing about shopping without the children, we also developed a large scale consumer promotion to 'Win a Year of Babysitting' and 100 babysitting vouchers. In the four television commercials that advertise the consumer promotion, we demonstrate the 'pitfalls' of shopping WITH children to emphasize the benefit of winning a year of babysitting and to promote competition entries.*

*One of these commercials shows a woman trying on underwear in a store change room and striking up different poses in different underwear when her daughter pulls back the curtain to reveal her mother in all her vivid glory. We have used a realistic sized 12 actress to showcase the underwear which does entail a level of nudity, however we were certain to tastefully shoot and reflect the dressing room scenario so as not to be too confronting/close up or specific in the shots. The level of nudity depicted is no less than bikini or swimsuit advertising campaigns appearing in similar time slots to our commercial and explains the CAD rating of 'W' given to our commercial which has meant no time restrictions in broadcasting the commercials.*

*As a business, we have been overwhelmed with positive responses to our portrayal of real women in tongue in cheek scenarios in all of our commercials. Depicting mums involved in comical incidents whilst shopping with children is a reminder of true life situations that can and do happen to our customers, in a light-hearted manner.*

*Best&Less is a 49 year old business founded on underwear and kidswear provisioning for the whole family. It is important for us to continue to market this unique positioning and its relevance for today's families in a unique way.*

*Our intention was to make mums laugh by 'over-appreciating' some of shopping mishaps they may have experienced to gain their recognition and to support entries into the competition to 'Win a Year of Babysitting'. Our customers have told us that they appreciate this realistic (both in our actress selection and scenario variety), humorous approach in positioning our Best&Less brand.*

*As a business run mostly by women, serving mostly women, we understand what our customers really want in an ideal world - to laugh, enjoy life and shop.*

*Our campaign intention was to portray exactly that.*

## **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 concerns that the advertisement depicts a woman dancing in her underwear which is not appropriate.

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

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Board noted the advertisement features a woman trying on different underwear and dancing in the changing room before her young daughter pulls back the curtain and reveals the women to the other shoppers in the store.

The Board noted that when the young girl opens the curtains on her mum, the mum pushes her away. The Board noted that violence against children is not acceptable but considered in this instance that the woman's actions were not rough or intended to cause harm to the child and the child does not appear to be hurt or concerned by the woman's actions.

The Board considered that the advertisement did not present or portray violence and determined that the advertisement did not breach Section 2.3 of the Code.

The Board 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 that the woman's underwear covers her private areas and considered that the style of underwear is every day rather than special occasion underwear and the woman's dancing is not sexualised or inappropriate.

The Board noted that it is reasonable to expect that an advertiser uses images of its products in its advertisements and considered that in this instance the depiction of a woman wearing underwear is consistent with similar advertisements for similar products (0114/14, 0344/14 and 0419/14).

The Board noted that the advertisement had been rated 'W' by CAD and considered that the level of nudity was not inappropriate for the relevant broad audience which would include children.

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.