



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0509/18
2	Advertiser	Hanes Brands Inc
3	Product	Lingerie
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	28/11/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement has a 15 and 30 second version. It features scenes of models in swimwear and underwear on and around a salt lake, representing an Australian white Christmas. The 30 second advertisement features one scene depicting two men, one hanging a "Merry & Gay" wreath on the side of the trailer and the other touching his shoulder and hand as he walks past. The 15 second advertisement ends with a close up shot of a woman's buttocks as she wipes salt off her buttocks.

THE COMPLAINT

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

The company is using a Christmas theme to advertise their product. Some models in the advert conduct themselves in a manner which portrays sexuality, mainly homosexuality, with suggestive touching and expressions, whilst also hanging up a



sign on a caravan with the words "merry and gay". The use of this material is offensive in a religious themed advert such as this. It should not be expected of any religious groups to put up with this very intentional and disrespectful material on their sacred days.

The ad is very sexist and objectifies the women in it. What is the relevance of underwear and these images? ... it is also sexually explicit as the woman brushes sand off her backside (which is partially revealed), it wobbles in a way that is evocative of pornography. Not appropriate for tv.

Bonds have gone just too far with this current ad where a women in her underwear shakes the sand off her ass & we are given a close up of her bum cheek & bum crack .. toooooo far & too offensive. I should not be forced a close up shot of a womens ass cheek shaking in the breeze as she dusts off the sand. Disgusting. Do we have no boundaries on free to air tv anymore?

THE ADVERTISER'S RESPONSE

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

We write on behalf of our client, Bonds (Hanes Brands) in response to complaints against the Bonds 'Get in the Spirit' TVC, specifically relating to the following sections of the AANA Code of Ethics: 2.2 Objectification/Degrading (women), 2.2 Objectification/Exploitative and 2.4 Sex, sexuality and nudity (general).

Bonds is an underwear and apparel brand, best known for creating fun and fashionable undies for the whole family. In November, Bonds launched its bright and sparkly range of underwear and bras for Christmas.

The 'Get in the spirit' campaign is aimed at young Australian adults and depicts a group of friends recreating a white Christmas in the hot Aussie summer... on a salt lake.

In regard to the complaints that have been made to the ASB under Complaint Reference Number 0509/18, regarding section 2.2 & 2.4 of the AANA Advertiser Code of Ethics, we take the opportunity to refute as follows:

We disagree that this ad is degrading or exploitative to women. This ad is all about a bunch of friends having fun recreating a white Christmas in a true Aussie, spirited way. All of the scenes show the women as confident and having fun.

The products being advertised are secured to cover their genitals and breasts at all times and the close-ups throughout the TVCs are used to highlight product features



including the fit, fabrication and colour. The close-ups are intended to be of product, not body parts. The scenes are not intended, nor should they be interpreted, to be sexual in any way. We also refute any inference that women's bodies in underwear or references to underwear are inherently sexual or devaluing to women.

The scene at the end of the second 'Get in the spirit' Christmas ad, in which the girl wipes salt off her bottom after zooming around having fun in the toboggan has nothing inherently sexual about it. It is intended to be a tongue-in-cheek interpretation of the iconic Aussie summer moment of wiping sand off your bottom when you've been at the beach.

We refute the suggestion that featuring a gay couple and the 'Merry & Gay' wreath in our ad is sexualising or adding a "gay agenda". Bonds is an inclusive Australian brand and we believe it is important to represent all Aussies – including this genuine couple. Showing an affectionate moment between a couple, be they same-sex or opposite-sex, is simply an acknowledgement of relationships in our rich, diverse society and a celebration of the moments we all share with our loved ones during the festive season. 'Merry & Gay' is also a historically famous Christmas expression which denotes fun and frivolity – the sense of celebration and coming together is the overall intention of this TV campaign and this scene captures the essence of that perfectly.

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

In addition, the 'Get in the Spirit' TVC's both received a PG classification from CAD allowing it to be broadcast during programs that are P rated. By definition, parental guidance is recommended for programs with a P rating, but they are not classified as children's programming. The media was bought with an intended audience of women aged 18 – 39 and the classification of the TVC as well as instructions to networks ensures it is not on air during classified children's programming nor during adjacent periods.

We trust upon viewing the TVC and our written response you will agree that the Bonds 'Get in the Spirit' TVC does not breach the AANA Advertiser Code of Ethics.

Please don't hesitate to contact me should you have any queries.

THE DETERMINATION

The Ad Standards Community Panel ("Panel") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Panel noted the complainants' concerns that the advertisement features scenes which are objectifying of men and women and are over-sexualised.



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

The Panel noted that the television advertisement features men and women on a salt lake in their underwear.

The Panel 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 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 - (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 the complainants' concerns that the advertisement is objectifying.

The Panel first considered whether the advertisement used sexual appeal.

The Panel noted the advertisement featured men and women in underwear on a salt lake. The men and women in the advertisement were depicted driving vehicles, being pulled along in a boat, laying in a lounge chair, barbecuing and hanging decorations. The Panel considered that the depiction of the men and women in underwear in combination with their activities did constitute sexual appeal.

The Panel then considered whether the advertisement used sexual appeal in a manner that was exploitative of an individual or group of people.

The Panel noted the advertiser's response that the theme of the advertisement is 'Get in the Spirit' and noted that the advertisement shows men and women enjoying an Australian twist on the stereotypical 'white Christmas', on a salt lake.

The Panel considered that although there is focus on the men and women's body parts, this is directly relevant to the product of underwear being advertised, and is intended to highlight the fit and make of the product.

The Panel noted a particular scene depicting a women brushing salt off her buttocks, and considered that this depiction was consistent with the overall theme of the advertisement and was relevant to an advertisement for underwear showing the fit and make of the product.



The Panel considered that the advertisement is using the sexual appeal of the men and women, but that the advertisement does not depict them as objects, unnecessarily or inappropriately focus on their body parts or lower them in character or quality. The Panel considered that the advertisement did not employ sexual appeal in a manner which is exploitative or degrading of the men and women or men or women in general.

The Panel determined that the advertisement did not breach Section 2.2 of the Code.

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 first noted some complainant’s concerns that the advertisement depicted a sign stating “Merry and Gay” and two men wearing underpants touching hands in front of the sign, and that this was a depiction of a homosexual relationship.

The Panel noted the advertiser’s response that “Merry and Gay” was a traditional Christmas expression, and considered that the use of such a phrase in conjunction with the depiction of two men was tongue in cheek expression in this context.

The Panel considered that the depiction of a relationship between two adults is not of itself a breach of the Code, and that the depiction of the two men touching hands is not inappropriate sexual imagery.

The Panel then noted complainants’ concerns that the people shown in their underwear was inappropriate, and that a scene depicting a woman brushing salt off her buttocks was explicit.

The Panel noted the advertisement had been given a ‘P’ rating by CAD (parental guidance recommended and not in children’s programs) and was aired at a time appropriate to the rating (http://www.freetv.com.au/media/CAD/Placement_Codes.pdf). The Panel noted that the audience for this advertisement would be broad and would include children.

The Panel noted a particular scene depicting a women brushing salt off her buttocks, and considered that this depiction was consistent with the overall theme of the advertisement and was relevant to an advertisement for underwear showing the fit and make of the product. The Panel considered that this scene did not depict any nudity and the action of brushing away salt was not sexualised.

The Panel considered that the people in the advertisement were appropriately covered by the underwear and that there were no breasts or genitals visible. The



Panel considered the level of nudity in the advertisements was mild and consistent with the promotion of underwear.

Further, the Panel considered the actions and poses of the people in the advertisement were consistent with people undertaking the depicted activities and were not strongly sexualised.

The Panel considered the overall tone of the advertisement was not sexualised and considered that the advertisement was appropriate to be viewed by a broad audience which would include children. The Panel determined that the advertisement did treat the issue of 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.

