



CASE REPORT

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| 1. Complaint reference number | 369/08 |
| 2. Advertiser | Bonds Industries Ltd |
| 3. Product | Clothing |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination | Wednesday, 8 October 2008 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement shows a crowd of women in a park near a red bus which has a Berlei banner on it. The women discuss their some of the issues they have with the shape and size of their breasts with a Berlei consultant. Some go into the bus to be fitted with a bra. They come out very happy happy with their 'new look'. The viewer is also shown a range of bras on a rack. The excitement in the park continues and a voice over says: "Berlei is back again to uplift the women of Australia with the Barely There range, that look just as gorgeous as they feel". The ad ends with four women walking away from the bus with red Berlei bags.

THE COMPLAINT

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

It is inappropriate to show a lady's chest to advertise a bra on television! Its offensive and immodest! I am sure there are better means in getting through the message in stead of scandalizing all ages groups most especially young children.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

To demonstrate the beneficial effect a correctly fitted bra has on the appearance and self-esteem of a woman, we found it essential to show the bra on the body and to allow women to speak about it in a natural fashion. As to nudity and sexualisation, we have been deliberately discreet and we show far less of a woman's body than other intimate apparel and underwear commercials. The chest is never shown naked and the tone of this commercial is in no way sexual by nature, and the women have not been sexualized. As such, we do not feel the commercial is offensive, immodest or inappropriate.

This campaign has run in market since October 2007 and has been well-received by the retail trade as well as consumers such as Mrs Wendy Rae Jansz who sent us an email on September 6th ".... By the way, I love your ad that's on TV, I remember being just as excited when I tried and bought my first one..."

Additionally, while the TVC and its products are not directed at children and do not fall within Section 2.4 of the Code, we have considered accidental exposure to children where the applicable Section 2.4 code reads, "Advertising or Marketing Communications to Children (a) must not include sexual imagery in contravention of Prevailing Community Standards (b) must not state or imply Children are sexual beings and that ownership or enjoyment of a Product will enhance their sexuality".

The Berlei Barely There TVC does not feature any children and the media plan used was bought by Mediacom with a target specified of Women 25 – 49 year old. As such, it was aired at appropriate time slots.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Board considered the application of Section 2.3, relating to sex, sexuality and nudity. The Board considered the advertisement was appropriate to the product and the images were discretely shown, having regard to the relevant audience. The Board therefore found no breach of Section 2.3.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.