



## CASE REPORT

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| 1. Complaint reference number | 420/09   |
| 2. Advertiser                 | Holeproof Underwear  |
| 3. Product                    | Clothing   |
| 4. Type of advertisement      | TV   |
| 5. Nature of complaint        | Portrayal of sex/sexuality/nudity – section 2.3<br>Health and safety – section 2.6 |
| 6. Date of determination      | Wednesday, 9 September 2009  |
| 7. DETERMINATION              | Dismissed  |

## DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts a young man and woman at home and they are captured in a moment of passion kissing and tearing their clothes off, down to their underwear. The man carries the young woman up the stairs, who is straddled around his waist and they kiss and become more excited. Meanwhile, the advertisement shows a second scene, where the same man arrives home and sees that his wife's clothes and the clothes of a man are all over the floor and as he approaches the room, the sound of laughter comes from the bedroom. As he enters the room he sees his wife and the man in his underwear (which is actually himself in the act of passion) on top of his wife. The advertisement ends: "*Holeproof two stripes, you will not be able to trust yourself*".

## THE COMPLAINT

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

*It was worse than tasteless it was indecent verging on pornographic. I have already advised the Holeproof company that I will not buy any of their products again & I intend to also notify the TV channel of my dissatisfaction of the quality of the advertisements that they allow.*

*I am a mother of four children and like most parents I want to do what I can to guard my children and other children from the terrible things we hear about almost every day. I am sure I am not alone and there are other mothers out there that cringe when these advertisements for the Bonds new range of bras and panties appear on our screens every day. Our young women should not be put on display in such a way. Sadly, there are sick people in our society who take some sick pleasure from seeing these half naked girls on TV.*

*We live in an age where we have to protect our children and young people from so called sexual predators. I feel strongly that advertisements such as this can be used in a wrong manner by such people and I have e-mailed Bonds twice to ask them to remove all these advertisements where young women's bodies are exposed in such a way from our television screens. I have not had a reply to my e-mails. They have chosen to ignore my complaint in the hope that I will go away. Please ASB help our young people by doing what you can.*

*Behaviour immoral & seductive for time slot.*

*It appears that once again a woman is portrayed as cheap. It appears that her husband has come home from work but sex with him is not enough. She has to ruin other peoples lives for her own greedy self. What has this got to do with the purpose of underwear? I am extremely offended by this commercial because once again no morals are displayed. I appreciate the fact that you allow decent woman, like myself, to voice an opinion. Please correct me if I am wrong about the commercial. I will definitely not be buying hole proof again because if the purpose is to have an affair, as portrayed, then I can't purchase them.*

*This advertisement has quite strong sexual overtones, but also glamorizes the infidelity. I find it very distasteful and overtly sexual.*

## **THE ADVERTISER'S RESPONSE**

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

### ***The idea:***

*Holeproof is a wholesaler and manufacturer of socks and underwear. We at all times consider the welfare of the consumer groups that view our advertising and do not in any way believe that the content within this television commercial is inappropriate or insensitive, nor breaches section 2 of the AANA Advertising Code of Ethics.*

*The idea behind this television commercial was based on an insight we gained from real consumer research groups, which was that adult women and men didn't want to be communicated to in a way that made them feel like their lives were boring or driven by practicality and responsibility; they wanted us to recognise the fun, sensual sides they possessed as individuals, and also, as part of their significant, established, faithful, adult relationships.*

*The idea in this commercial is therefore that there are two sides to this husband; the hard working, sensible side, and the fun, sensual side. On this particular day, the 'sensible' husband comes home to find his wife interacting with his 'sensual' persona.*

*The commercial contains multiple cues that lead to the final twist, when we see the two 'sides' of the same man looking at each other. In reality, the two men in this commercial are played by exactly the same actor.*

### **CAD approvals and media buying:**

*Prior to production, we sent our concepts to CAD, who approved it with an M-rating. (Online ref: 814872, K Vanston, 29/07/2009, HOL0011 Precheck\_21, PACIFIC BRANDS). CAD also approved our final commercial, again with an M rating. ( Online ref: 816162, K Vanston, 11/08/2009, HOLV002, PACIFIC BRANDS).*

*Media was correctly bought against this 'Mature' rating, to ensure that the commercial was only viewed by appropriately adult audiences. Details are as follows:*

*Recommended for Viewing Only by Persons 15 and Over May be broadcast during the following hours, except during P and C programs or adjacent to P or C periods:*

- Weekdays (schooldays):*
- 8.30pm–5.00am (see Note 1)*
- 12 noon–3.00pm (see Note 2)*
- Weekdays (school holidays) & Weekends:*  
*8.30pm–5.00am (see Note 1)*

*Note 1: not in G or PG programs or sport starting at or continuing past 8.30pm. If the program continues past 10.30pm, this restriction ceases to apply.*

*Note 2: see Clause 2.10.3 of the Code of Practice for time zone difference adjustment.*

## **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 complainants' concerns that the advertisement was offensive because it encouraged adultery and was overtly sexualised.

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 treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant program zone."

The Board viewed the advertisement and noted the advertiser's response that the advertisement had received a CAD rating "M" and was not shown during "G" or "PG" rated programs.

The Board also noted that the two men who were depicted in the advertisement were actually the same man, (in different settings and frame of mind) and that the advertisement was not promoting adultery, instead the advertisement was promoting how a person could lead a more exciting and passionate life with holeproof underwear.

The Board noted that the young couple depicted at the beginning of the advertisement were at all times adequately clothed and although some members of the community may be confronted by the portrayal of two people in a moment of passion, the Board agreed that most members of the community would not be offended by the portrayal of a young couple in this manner.

The Board then considered whether the depiction of the young couple, seen to be stripping off their clothes and going up stairs to the bedroom was overly raunchy or graphic. The Board agreed that the advertisement was not an insensitive or overly sexualised portrayal of the couple and since they were depicted in a loving manner and adequately clothed, it was not an inappropriate depiction of sexual attraction and sexualised passion.

The Board agreed that this advertisement is sexually suggestive but in the Board's view it treated sex, sexuality and nudity with sensitivity to the relevant audience considering its' M rated timezone. On this basis the Board determined that the advertisement did not breach Section 2.3 of the Code.

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