

COMPLAINT NUMBER	22/171
ADVERTISER	Bendon NZ
ADVERTISEMENT	Bendon NZ Television OnDemand
DATE OF MEETING	20 June 2022
OUTCOME	No Grounds to Proceed

Advertisement: The Bendon Lingerie television OnDemand advertisement shows a group of women wearing different styles of lingerie dating from the 1950s until today. The underwear is made of different materials; some black, some white and some lacey.

The Chair ruled there were no grounds for the complaint to proceed.

Complaint: The lingere on one of the girls was completely see through revealing the woman's nipples. Totally unnecessary nudity.

The relevant provisions were Advertising Standards Code - Principle 1, Rule 1(c);

Principle 1: Social Responsibility: Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.

Rule 1(c) Decency and Offensiveness: Advertisements must not contain anything that is indecent, or exploitative, or degrading, or likely to cause harm, or serious or widespread offence, or give rise to hostility, contempt, abuse or ridicule.

The Chair noted the Complainant was concerned the advertisement showed a woman wearing a see-through bra, which revealed her nipples underneath.

The Chair noted the Complainant had viewed the advertisement while watching TVNZ OnDemand. The TVNZ OnDemand platform uses the individual account holder profile information, such as age and gender, for targeting which advertisements will be supplied to account holder.

Rule 1(c) of the Advertising Standards Code required the Chair to consider whether the images of the lace bra, were likely to cause serious or widespread offence, in light of generally prevailing community standards.

The Chair said that despite the Complainant's objection to the advertisement, it did not reach the threshold to cause serious or widespread offence for most consumers, in this context. The Chair said the advertisement was promoting different styles of underwear by showing how they look while being worn on real people. The Chair said this was appropriate in the context of an advertisement for underwear.

The Chair said that despite the Complainant's objections to the advertisement, the placement of the advertisement, served to an adult OnDemand user profile, meant it did not reach the threshold to cause serious or widespread offence for most consumers.

The Chair said the advertisement had been prepared with the due sense of social responsibility required and said it was not in breach of Principle 1 or Rule 1(c) of the Advertising Standards Code.

The Chair ruled there were no grounds for the complaint to proceed.

Chair's Ruling: Complaint **No Grounds to Proceed**

APPEAL INFORMATION

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website www.asa.co.nz. Appeals must be made in writing with notification of the intent to appeal lodged within 14 calendar days of receipt of the written decision. The substantive appeal application must be lodged with the ASA within 21 calendar days of receipt of the written decision.