



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0036-20
2. Advertiser :	Step One
3. Product :	Lingerie
4. Type of Advertisement/Media :	TV - Pay
5. Date of Determination	22-Jan-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This Pay TV advertisement for men's underwear features references to bananas and hammocks.

THE COMPLAINT

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

It is sexually suggestive of male genitalia, hence offensive.

I find it offensive to reference to a "banana and hammock", Which is clearly a reference to a penis and testicles. Whilst there other adverts are in poor taste, i find this particular one offensive.

Please do something about this advert. The content of the adverts have slowly progressed to the latest one comparing a man's Penis to a Banana. How smutty and low can you go. It may appeal to a 19 year old fresh out of school but to anyone else it is most objectionable. I cringe every time I see it.



Next thing they will progress to using a dildo for their comparison. Can you imagine the outcry if advert executives compared a woman's Vagina to a piece of fruit. I won't list any examples but I'm sure you can imagine. Bad, bad taste to say the least. Please clean up this advert or remove it all together. Thank you.

The actor is suggesting that the banana is a mans penis and step one under ware will keep everything in the right place.

Really what isn't left to the imagination isn't worth knowing. My grand daughter watches lifestyle with me and it's embarrassing. These ads are becoming bolder and very suggestive. I wonder what will be next

THE ADVERTISER'S RESPONSE

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

Advertiser did not provide a response.

THE DETERMINATION

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

The Panel noted the complainants' concerns that the advertisement is sexually suggestive and inappropriate in its references to male genitalia.

The Panel viewed the advertisement and noted that the advertiser did not provide a response.

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 considered whether the advertisement contained sex, sexuality or nudity.

The Panel considered whether the advertisement contained sex. The Panel noted the dictionary definition of sex most relevant to this section of the Code of Ethics is 'sexual intercourse; sexually stimulating or suggestive behaviour.' (Macquarie Dictionary 2006).

The Panel noted that the man was depicted wearing underwear and a t-shirt and considered that this attire was not in itself a depiction of sexual intercourse or sexually stimulating or suggestive behaviour. The Panel considered that the advertisement did not contain sex.



The Panel considered whether the advertisement depicted sexuality.

The Panel noted the definition of sexuality includes ‘sexual character, the physical fact of being either male or female; the state or fact of being heterosexual, homosexual or bisexual; sexual preference or orientation; one’s capacity to experience and express sexual desire; the recognition or emphasising of sexual matters.’ The Panel noted that for the application of the term in the Code, the use of male or female actors in an advertisement is not of itself a depiction of sexuality.

The Panel considered that the product being sold was men’s underwear and that the product itself was not revealing or sexual in nature. The Panel considered that some members of the community may consider references to male genitalia to be sexual. The Panel considered that the advertisement did contain sexual language.

The Panel then considered whether the advertisement contained nudity and noted that the dictionary definition of nudity includes ‘something nude or naked’, and that nude and naked are defined to be ‘unclothed and includes something ‘without clothing or covering’. The Panel considered that the Code is intended for the Panel to consider the concept of nudity, and that partial nudity is factor when considering whether an advertisement treats nudity with sensitivity to the relevant audience.

The Panel considered that the man is depicted wearing underwear and a t-shirt. The Panel considered that the legs are visible but that his underpants come to mid-thigh. The Panel considered that some members of the community may consider a man in underwear with his legs visible to be a depiction of partial nudity.

The Panel then considered whether the advertisement treated the issue of sexuality and nudity with sensitivity to the relevant audience.

The Panel considered the meaning of ‘sensitive’ and noted that the definition of sensitive in this context can be explained as indicating that ‘if you are sensitive to other people's needs, problems, or feelings, you show understanding and awareness of them.’
(<https://www.collinsdictionary.com/dictionary/english/sensitive>).

The Panel noted the advertisement was on Pay TV and noted the advertiser’s response that they only purchase advertising on all-audience channels targeted at people aged 25-54. The Panel considered that the relevant audience would therefore be broad, but that it may include children.

The Panel noted the Practice Note for the Code provides:

“Full frontal nudity and explicit pornographic language is not permitted. Images of genitalia are not acceptable.”



The Panel noted that the advertisement references a banana and a hammock, and that in the context of an advertisement for underwear this is in reference to male genitalia and underwear. The Panel noted that the reference is used in a humorous manner and is not aggressive. The Panel acknowledged that some people would prefer not to have any reference to men's genitals when children can view the advertisement. However, the Panel considered that this was not inappropriate under Section 2.4 of the Code. The advertisement's use of the words in the context of an advertisement for underwear is colloquial and although said quite a few times, did not appear inappropriate for the broad audience.

The Panel considered that there is no depiction of genitalia in the advertisement, and that the man is appropriately covered at all time with the underwear. The Panel considered that some members of the community may be uncomfortable viewing the bulge at the front of the man's underwear and consider this a depiction of genitalia. The Panel considered that this was a natural effect of the design of the underwear, and that this did not constitute inappropriate nudity.

The Panel noted that the advertiser had ensured any close-ups of the product were of the mannequins and were not of the man. The Panel considered that this demonstrated sensitivity to feelings of the relevant audience.

The Panel considered that there was no overt nudity at a level that most members of the community would find confronting or unacceptable. The Panel considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience and did not breach Section 2.4 of the Code.

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaints.