



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0037-20
2. Advertiser :	The Man Shake
3. Product :	Food/Bev Groceries
4. Type of Advertisement/Media :	TV - On Demand
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 TV On Demand advertisement depicts three men at a bar talking about The Man Shake and using hand gestures to mimic the manner in which the shake should be prepared.

THE COMPLAINT

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

The ad suggests self gratification of a sexual manner. This ad appears within many different shows.

THE ADVERTISER'S RESPONSE

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

We are responding to a complaint made to the Advertising Standards Bureau on 24th July 2017 in regard to our TV commercial broadcast on Thursday 9th January 2020 on 7 Plus.



The complaint outlined that the advertisement suggests self gratification of a sexual manner. This ad appears within many different shows. We can assure you that the TVC has gained approval from the governing body for advertisement issued by Commercials Advice Pty Ltd, a body that plays an active role in monitoring the marketing and advertising of inappropriate material.

We can assure you that Adam MacDougall, owner of The Man Shake and producer of this TVC in no way shape or form, intended for this TVC to be inappropriate, or as addressed by the complaint 'devoid of sexually saturated content'.

The complaint outlined the repeated and not so subtle references to masturbation were not appropriate. This was not the intention, the hand gestures made by the actors in the TVC, both high profile sports personalities, Paul Roos and Merv Hughes, were mimicking the manner in which you consume The Man Shake, a meal replacement in the form of a shake. One must mix part water with part The Man Shake powder and shake the container, the hand gestures and references to 'shaking it' were merely in relation to how to use The Man Shake.

If you believe that there was sexual undertones in relation to masturbation this was not the intention and we do believe that children should not interpret this as inappropriate or sexually derived.

We are regretful that you have interpreted this as not being inappropriate in its given time slot.

We can ensure you that we will continue to go through the correct governing bodies and procedures with any future marketing material to ensure they meet the correct guidelines and standards for advertising on commercial television.

Thank you for contacting us with your concerns, we are happy to discuss this further if need be.

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 complainant's concerns that the advertisement references sexual gratification of a sexual manner.

The Panel viewed the advertisement and noted that the advertiser's 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 noted it had previously dismissed complaints about this advertisement on free-to-air television in case 0344/17 in which:

“The Board noted that the phrase ‘manshake’ can be a reference to a man’s firm handshake as well as to a man’s actions in shaking off the drops after urination (<http://www.urbandictionary.com/define.php?term=manshake>) but considered that in this instance the name of the advertised product is Man Shake and in the Board’s view the advertisement makes it very clear that this is what is being advertised.

“The Board noted that one of the men makes a hand gesture at the start of the advertisement and considered that whilst this gesture could be interpreted as a masturbation gesture the Board considered that the full gesture is not shown and it is immediately made clear that this hand gesture is mimicking the shaking of the advertised drink prior to consumption.

“The Board acknowledged that some members of the community would interpret the advertisement as making a reference to masturbation but considered that the level of double entendre is very mild and would not be understood by children. The Board noted that the advertisement does not contain any strong sexual references or language and considered that overall the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience which would include children.”

Consistent with the previous case, the Panel considered that the level of sexual innuendo is mild and unlikely to be understood by children. The Panel noted that the current advertisement is broadcast on TV On Demand which requires a user to sign up for the service, and that this must be done by adults. However the Panel acknowledged that children are likely to also see programs in this medium.

The Panel considered that the mild sexual innuendo in the advertisement is not inappropriate to be viewed by a broad audience which may include children.

The Panel considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience of online news services and determined that the advertisement 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 complaint.