



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0085-21
2. Advertiser :	Sojo Pty Ltd
3. Product :	Lingerie
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	28-Apr-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification
AANA Code of Ethics\2.2 Exploitative or Degrading

DESCRIPTION OF ADVERTISEMENT

This television advertisement features Nick Cummings and Danielle Scott wearing underwear. Danielle dances and it is revealed that Nick is using a leafblower as a wind machine. They switch and Nick stands in a Superman pose as Danielle uses the leafblower.

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

Intimidating a woman through dropping a blower tool in her arms. She cringes. Looking weak. I feel very uncomfortable watching this girl cringe with the weight of the blower thrown in her arms

It just mystifies me with all that is going at the moment and even without it that this gender inequality is still allowed in advertising. The difference in this ad between male and female is just mind blowing!



THE ADVERTISER'S RESPONSE

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

Thank you for your correspondence dated 31st March 2021.

As an advertiser we have no intention of offending the viewing public. In fact our aim is to entertain and leave the viewer with a smile using Australian humour and the "larrikinisms" which our ambassadors Nick 'Honey Badger' Cummins and The Inspired Unemployed in particular are well known and loved for by Australians. In saying this we will never make every member of the general public happy or comfortable with our humorous advertising.

For the general information of the standards board our target audience is:

Primary: Mum's who do the underwear purchasing for their families. We want them to see the brand as a great Australian brand for their families which is good quality and fun.

Secondary; Australian families

Please note we've made the same type of humorous adverts for the past 6 years. Past adverts include;

Year 1 Advert

<https://www.youtube.com/watch?v=TZJU1YfLthI>

Year 2 Advert

https://www.youtube.com/watch?v=_le7yQ5I8UI

Year 3 Advert

<https://www.youtube.com/watch?v=zsfxk-XeBWQ>

<https://www.youtube.com/watch?v=fN7S4PLQZC0>

Year 4 Advert

<https://www.youtube.com/watch?v=qEK4v18EfUM>

<https://www.youtube.com/watch?v=29ocHal4CjQ>

<https://www.youtube.com/watch?v=8YLuj8auKIA>

Our advertising scripts go through testing with target audience as part of our script writing process. Once produced to ensure that our TVCs hit the mark our advertising agency holds qualitative research to get feedback on the response of the ads. We have received virtually hundreds of posts and feedback on the likability of our ads and the characters of The Honey Badger and Danielle Scott who both feature in this advert.



I've reviewed the complaints and I strongly disagree that Danielle Scott is portrayed as weak or intimidated. We're extremely proud of our incredible female ambassadors and would never portray them as weak or put them in situations that made them uncomfortable. The second complaint is incorrect as both Danielle Scott and Nick Cummins are seen dancing in their underwear at the end of the advert not only Danielle.

I hope the Ad Standard review finds in the positive for our advertising and I look forward to your correspondence

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:

- Intimidates a woman by throwing a power tool at her.
- Shows a double standard by depicting a woman gyrating and a man standing still.

The Panel viewed the advertisement and noted the advertiser's response.

Section 2.1: Advertising or Marketing Communication shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.

The Panel noted the AANA Practice Note which provides guidance on the meaning of:
Discrimination - unfair or less favourable treatment
Vilification - humiliates, intimidates, incites hatred, contempt or ridicule
Gender - male, female or trans-gender characteristics.

Does the advertisement portray material in a way which discriminates against or vilifies a person on account of gender?

The Panel noted the concern that the man intimidates the woman by dropping a leaf blower in her arms.

The Panel considered that the woman accepts the blower with no suggestion that she is intimidated or struggles with it. The Panel noted that the woman does bend her knees when accepting the blower but considered this is not a suggestion that she is struggling, particularly noting that in the next scene she is shown to hold it comfortably. The Panel noted the expression on her face and considered that it is indicative of her surprise at the man taking his turn, perhaps prematurely, rather than an indication she is intimidated.



Section 2.1 conclusion

Finding that the advertisement did not portray material in a way which discriminates against or vilifies a person or section of the community on account of gender, the Panel determined that the advertisement did not breach Section 2.1 of the Code.

Section 2.2: Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative or degrading of any individual or group of people.

The Panel noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:

Exploitative - (a) taking advantage of the sexual appeal of a person, or group of people, by depicting them as objects or commodities; or (b) focussing on their body parts where this bears no direct relevance to the product or service being advertised. Degrading – lowering in character or quality a person or group of people.

Does the advertisement use sexual appeal?

The Panel considered that the depiction of a people in underwear is a depiction which most people would consider to contain sexual appeal.

Does the advertisement use sexual appeal in a manner that is exploitative?

The Panel considered that the woman and man were depicted in a confident manner and that their depiction in underwear was relevant to the product being sold. The Panel considered that the woman and man were not depicted in a vulnerable position and were not depicted as an object or commodity. The Panel considered that there was no focus on a part of their bodies that was not directly relevant to the product being promoted.

The Panel considered that while the woman was shown to be dancing while the man stood still in a 'Superman' pose, this did not suggest that she was an object or commodity.

The Panel considered that the advertisement did not employ sexual appeal in a manner which is exploitative of the woman or man.

Does the advertisement use sexual appeal in a manner that is degrading?

The Panel considered that the depiction of the models did not lower the character or quality of the model and did not use sexual appeal in a manner that was degrading of the models.

The Panel considered that the advertisement did not employ sexual appeal in a manner which is degrading to the woman or man.



Section 2.2 conclusion

Finding that the advertisement did not employ sexual appeal in a manner which is exploitative or degrading of an individual or group of people, the Panel determined that the advertisement did not breach Section 2.2 of the Code.

Conclusion

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