



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
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Case Report

1	Case Number	0116/18
2	Advertiser	Sportsbet
3	Product	Gaming
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	21/03/2018
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.2 - Objectification Degrading - men
- 2.2 - Objectification Exploitative - men
- 2.3 - Violence Violence
- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.4 - Sex/sexuality/nudity S/S/N - nudity
- 2.7 - Sexual success or attractiveness sexual success

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts a naked man from the waist up, with his leg up on the bathroom counter using a razor to groom or 'manscape'.

THE COMPLAINT

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

The ad breaches AANA Wagering Advertising & Marketing Code 2.7 & AANA Code of Ethics code 2.2.



The ad implies a link between wagering and sexual success or enhanced attractiveness because the man shaving is mocked and called "princess" indicating that gambling will make him more attractive than shaving his genitals.

The ad also employs sexual appeal in a manner that degrades a naked young male by encouraging him to waste money on gambling to increase his sexual appeal rather than personal grooming. This sends a false message to young males that gambling will improve their sexual appeal.

It is also gross and creepy seeing a naked man behaving as though he is shaving his genitals in my lounge room.

The implication that the person was masturbating together with another voice from off-screen calling to him as "Romeo" which reinforced that implication.

a naked man, from below the navel, obviously doing something to himself is highly offensive. it is disturbing that this ad depicts masturbation of some form in prime time viewing. it is shown when young children, mothers and fathers are watching tv in prime time. they are watching the news, the football. it is disgusting. they would not dare have a female do this.

Im am disgusted that this ad is being shown when at this time children are watching it is highly inappropriate and very embarrassing what does a sport bet have to do with a man shaving his genital region highly inappropriate.

Sexiest, Demeaning to men.

Man sitting mostly naked clipping his genital region, then jumps as he apparently injurs himself - totally inappropriate for this time slot, sitting watching news with my young family

THE ADVERTISER'S RESPONSE

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

The Complaints

The essence of the Complaints assert that:

- *'A man is seen from the waist up, naked with a razor buzzing going down, out of view of the camera. He is then seen 'cutting' himself;*



- *'I now realise that the man in the Sportbet advertisement is pretending to masturbate and that is totally unacceptable for TV';*
- *'Gambling ads on the whole appear to be sexist and disgusting but this takes offence to a whole new level'; and*
- *'It's gratuitous sex and unnecessary'.*

The ASB has identified sections 2.1, 2.3 and 2.4 of the AANA Code of Ethics (the Code) as the sections which may have been breached based on the Complaints. The Code states:

2.1: Advertising or Marketing Communications 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.

2.3: Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

2.4: Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

Sportsbet's response to the Complaints

Sportsbet rejects that the Advertisement in any way breaches sections 2.1, 2.3 or 2.4 or any other section of the Code for the reasons outlined below.

2.1 – Discrimination or vilification – gender

The Advertisement in no way depicts material in a way which discriminates against or vilifies a person on account of gender.

2.3 – Violence

The Advertisement does not present or portray any level of violence (defined by the Oxford dictionary as "behaviour involving physical force intended to hurt, damage, or kill someone or something"). Specifically, the Advertisement does not show any 'cutting' as the Complaints assert.

Instead, the Advertisement shows in a comical and light-hearted manner a man reacting as if he has experienced a momentary discomfort as a result of a slip of the electric shaver he is using to 'manscape' which was brought about by a sudden and unexpected interruption by the voiceover.



Moreover, at the conclusion of the Advertisement the man is not shown to be in pain.

2.4 – Sex, sexuality and nudity

The Advertisement does not in any way:

- show or reference sex;*
- show or reference sexuality; or*
- show any nudity beyond a male from the waist up and his leg.*

Specifically, the Advertisement cannot be reasonably interpreted as showing or referencing ‘masturbation’ or any ‘gratuitous sex’, as one of the Complaints assert.

It follows that the Advertisement does not, and cannot, treat those topics with any insensitivity to the relevant audience as is required in order to breach the Code.

Instead, the Advertisement simply shows a man who is in the process of the common activity termed ‘manscaping’, albeit the actual ‘manscaping’ is not shown.

The premise of the Advertisement is to depict in a light-hearted manner a typical situation in which someone is interrupted when they would have no reasonable expectation of the interruption, such as in the privacy of their own bathroom, in order to promote a Sportsbet offer. Sportsbet regrets if the jovial nature of the Advertisement was either misconstrued or may have offended the complainants, but we firmly reiterate our view that the Advertisement does not breach the Code.

Conclusion

Sportsbet believes that the Complaints lack foundation and should be dismissed.

THE DETERMINATION

The Ad Standards Community Panel (“Panel”) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the “Code”) or the AANA Wagering Advertising and Marketing Communication Code (Wagering Code).

The Panel reviewed the advertisement and noted the advertiser’s response.

The Panel noted the advertisement depicts a naked man from the waist up, with his leg up on the bathroom counter using an electric razor out of shot, appearing to use it



to groom pubic hair or 'manscape'. A voice-over says 'Hey Romeo' and the man is startled and appears to cut himself with the razor, looking as though he is in pain. The voice-over then gives details of a 'head-to-head' feature on the wagering app.

The Panel noted the range of concerns from complainants that the advertisement was inappropriate, disgusting, was demeaning to men, showed an inappropriate level of sex and nudity, included inappropriate language and linked wagering to sexual success.

The Panel noted that the issue of bad taste is one that does not fall within the scope of the Code and it could only consider issues that raise concerns under the Code.

The Panel first considered whether the advertisement complied with Section 2.1 of the AANA Code of Ethics which requires that 'advertisements shall not portray 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 complainants' concerns that the advertisement is demeaning to men.

The Panel considered that the advertisement depicted the man as confident and in control, and that his reaction to apparently cutting himself was a natural reaction and not one that incites humiliation or ridicule.

The Panel considered that while some members of the community may see 'manscaping' as an unusual activity, it is an activity that many males participate in and the depiction of a man engaging in this activity is not in itself demeaning to the male in the advertisement.

In the Panel's view the current advertisement does not discriminate against or vilify 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.

The Panel considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Panel considered that the advertisement suggested that the man has cut himself with the razor when he was startled by the voice-over interrupting his personal grooming.



The Panel considered that the advertisement does not clearly show the man has cut himself and the man's reaction only suggests what may have occurred. The Panel considered that the suggestion that he may have accidentally cut himself is not a portrayal of violence.

The Panel determined that the advertisement did not present or portray violence and did not breach Section 2.3 of the Code.

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 that this advertisement had received a 'B' rating from CAD and would therefore not be broadcast between 5am and 8:30pm in a program directed primarily to children, or between 6am and 8:30am or 4pm and 7pm in a P, C or G classified show but not including news, current affairs or sports programs (http://www.freetv.com.au/media/CAD/Placement_Codes.pdf).

The Panel noted this rating and considered that the relevant audience would likely be broad and include children.

The Panel noted the complainants' concerns that the advertisement contained nudity and highly sexualised and suggestive material that was not appropriate for a broad audience including children.

The Panel considered that the nudity of the male in the advertisement was only suggested and that his genitals were not visible in the advertisement.

The Panel considered that the Practice Note for the Code which states:

"Advertisements which depict women or men scantily clad, are generally acceptable, if relevant to the product."

The Panel considered that although the man's genitals are not visible there is still a strong suggestion of nudity in line with the depiction of personal grooming.

The Panel noted that it had previously considered the issue of the suggestion of people trimming pubic hair in cases 0381/15 and 0416/15.

In case 0381/15 "The Board noted the complainants' concerns over the depiction of a man trimming his pubic hair. The Board noted that we do not actually see the man's



genital region. Following considerable discussion the Board considered that in the context of an advertisement for a pubic hair trimming tool it is not inappropriate for the advertisement to make reference to the pubic region and in the Board's view the level of sexual suggestion is consistent with PG-style comedy and is not inappropriate for the relevant audience."

And in case 0416/15 "The Board noted this television advertisement features three women in bikinis trimming small bushes. The Board noted that the height of the bushes means that they are positioned in front of the women's pubic areas. the Board noted that it had recently dismissed complaints about a similar advertisement for a man's personal hair trimmer (0381/15) and considered that the content of the current advertisement was less sexualised than this previous case as there is no suggestion of sexual activity with the focus being on how easy to use the product is. Overall the majority of the Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience."

The Panel noted that in cases 0381/15 and 0416/15 the advertised product was razors and the nudity and sexual suggestion in the advertisement was relevant to the product. In the current advertisement the Panel noted the advertised service was waxing and considered that the strong suggestion of nudity is not relevant to the product being advertised.

The Panel also considered complainants' concerns that the man is shown masturbating or participating in a sexual activity.

The Panel considered the facial expression and movements of the man at the start of the advertisement and considered that while some members of the community may misinterpret the man to be participating in a sexual act, the razor is clearly visible from the start of the advertisement and considered that it would be clear to most people viewing the advertisement what the man was doing.

The Panel considered that the interpretation that the man was masturbating was incorrect.

The Panel then considered whether a man shaving his genitals can be considered to be sexually suggestive.

The Panel notes the advertiser's response that the man is depicted 'manscaping'. The Panel considered that while 'manscaping' may be a concept understood by many adults, references to or suggestions of the trimming or removal of pubic hair is considered sexual by many members of the community.

The Panel noted that unlike case 0381/15 where the advertisement was rated PG, the



current advertisement was rated B and would be seen by a broader audience, including children.

The Panel considered that most children, especially young children, would not understand the context of the advertisement and considered that a depiction suggesting removal or trimming of pubic hair would be considered by most members of the community to be inappropriate for this broad audience.

The Panel considered that the suggestion of nudity and the depictions of the man in the advertisement amount to a level of sexuality which was inappropriate for a broad audience which would include children.

Following significant deliberation the Panel determined that the advertisement did not treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience and determined that it did breach Section 2.4 of the Code.

The Panel considered whether the advertisement was in breach of Section 2.5 of the Code (including Prevailing Community Standards). Section 2.5 of the Code states: "Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided".

The Panel noted the complainants' concerns that the man in the advertisement mouthed an inappropriate word when he hurt himself with the razor.

The Panel considered that the reaction of the man was one of pain, and while he did appear to cry out there was no clear suggestion of an inappropriate word or language.

The Panel considered that the advertisement did not contain strong or obscene language and did not breach Section 2.5 of the Code.

The Panel further noted that the advertiser is a company licensed in a State or Territory of Australia to provide wagering products or services to customers in Australia and that the product advertised is a wagering product or service and therefore the provisions of the Wagering Code apply.

As per the AANA Wagering Advertising and Marketing Communication Code Practice Note:

"The Code applies to advertising and marketing communication for wagering products and services provided by licensed operators in Australia.."

The Panel noted the complainants' concern that the advertisement linked sexual



success and wagering which was against the provisions of the Wagering Code.

In particular the Panel considered Section 2.7 of the Wagering Code which provides: “Advertising or Marketing Communication for a Wagering Product or Service must not state or imply a link between wagering and sexual success or enhanced attractiveness.”

The Panel considered while some members of the community may see ‘manscaping’ as having a link to sexual success or enhanced attractiveness, there is no clear link between the man’s actions and the wagering product or suggestion that the man is more attractive because of his wagering.

The Panel considered that the advertisement does not show the man in a manner that would suggest sexual success or enhanced attractiveness as a result of using the wagering App.

The Panel determined that the advertisement did not breach Section 2.7 of the Wagering Code.

Finding that the advertisement did breach Section 2.4 of the AANA Code of Ethics, the Panel upheld the complaints.

THE ADVERTISER’S RESPONSE TO DETERMINATION

Sportsbet has taken the following action after complaints against our “Manscaping” creative under case number 0116/18 were upheld on Free-to-air TV.

Steps have been taken to have our Manscaping TVC’s replaced with alternative creative – this alternative received CAD approval yesterday and has since been dispatched to stations to be on air as soon as possible.

