



## Case Report

1	Case Number	0118/15
2	Advertiser	Sportsbet
3	Product	Gaming
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	15/04/2015
6	DETERMINATION	Dismissed

### ISSUES RAISED

- Other Social Values
- 2.1 - Discrimination or Vilification Gender
- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.6 - Health and Safety Within prevailing Community Standards

### DESCRIPTION OF THE ADVERTISEMENT

The Advertisement features two men in a gymnasium. The main character is shown to have substantial sweat patches on his t-shirt and uses his towel to wipe sweat off his shorts covering his groin area. The Advertisement then promotes the relevant Sportsbet offer relating to the Golden Slipper race day, before again showing the same two men, with the main character using his towel to wipe sweat off his underarms and then sniffing the same towel.

### THE COMPLAINT

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

*The vision thrust into my lounge room of some mindless bogan? Person wiping his testicles with a towel and then wiping sweat off his underarms and then to go on to sniff it is totally disgusting and offensive. Some may think this is comedy but I take it as offensive and unnecessary to be on prime time television.*

*In the ad a male is seen in a gymnasium pulling back his shorts and wiping his apparently sweaty crotch. He is also seen wiping other parts of his sweaty body. The ad was louder than normal TV and shown quite a few times. It was disgusting and totally inappropriate for that*

*time of the night.*

*Shows a man masturbating, right at the start of the ad.*

*It is offensive and disturbing to see a man at the gym wipe his sweaty crotch under his shorts and also his underarms with a hand towel and then smell it... what this has to do with gambling I don't know?*

*It is lewd to see a man shoving a towel into his shorts in a faux sexual manner as the attention grabber for the commercial. The act of masturbation does not need to be alluded to or portrayed to promote their product. I did not like having to explain to my young daughter what the man was doing, as we were having dinner. This is a gross piece of vision and I'd like to have the commercial stopped.*

*It is disgusting, and not something I want to be subjected to when watching TV.*

*I think it is gross and offensive. Not a thing that a gentleman would do in public.*

## **THE ADVERTISER'S RESPONSE**

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

*Sportsbet has considered the Complaints and rejects that the Advertisement in any way breaches sections 2.1, 2.4 and 2.6, or any other section of the Code.*

### *1. Section 2.1 of the Code*

*The ASB has identified section 2.1 of the Code in relation to discriminating against or vilifying a person based on gender. We consider the Advertisement cannot be in breach of this section, as there is there is no prejudicial distinction in treatment, or any abusive or disparaging comments, based on gender in the Advertisement.*

### *2. Section 2.4 of the Code*

*One complaint refers to 'a faux sexual manner' and 'the act of masturbation' and there is a separate anonymous complaint that refers to 'a man masturbating'. These complaints are simply incorrect. In any case, there is no treatment or reference to sex, sexuality or nudity of any kind.*

### *3. Section 2.6 of the Code*

*Sportsbet rejects any suggestion that the Advertisement depicts material that is contrary to Prevailing Community Standards on health and safety.*

*The Complaints identify some concern with the image of the main character in the Advertisement using a towel to wipe sweat off the crotch area of his shorts, then later using the towel on his underarm, and then appearing to either smell or wipe the towel on his nose.*

*Wiping and possibly smelling one's own sweat cannot possibly offend any standards of health or safety in the context depicted.*

*The Advertisement is clearly intended to be treated in a light-hearted manner, and continues on the theme from a previous Sportsbet advertisement which showed the same two men to be obviously and humorously unfamiliar with common gym behaviour. The use of the towel in the Advertisement is another obvious and humorous 'faux pas'. The light-hearted tone of the Advertisement is emphasised by the voiceover of 'oh lovely' at the time that the man uses the towel to wipe the sweat off his shorts.*

### *Conclusion*

*Sportsbet regrets if 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.*

*For the reasons mentioned above, Sportsbet believes that the Complaints lack foundation and should be dismissed.*

## **THE DETERMINATION**

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Board noted the complainants' concerns that the advertisement features a man wiping his groin and arm pits with a towel before sniffing it and that this is offensive to men, contrary to prevailing community standards on health and safety and is generally inappropriate.

The Board noted that a majority of the complaints surrounded issues of bad taste and considered that taste is not an issue which falls under the provisions of the Code and will therefore not form part of the Board's determination.

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

The Board 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 Board noted this advertisement features a man in a gym setting wiping the sweat from parts of his body before sniffing the towel.

The Board noted the complainants' concerns regarding the man wiping his genitals and one complainant's concern that this action is masturbatory. The Board noted that when the man is wiping his genital region we do not actually see any of his genitals and considered his action is consistent with wiping oneself with a towel and is not in any way suggestive of the act of masturbation.

The Board noted that all actors in the advertisement are appropriately clothed for the environment depicted and considered that the advertisement does not feature nudity or any sexual references or sexualised material.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and determined that the advertisement did not breach Section 2.4 of the Code.

The Board considered Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted that the complainants’ concerns that after the man is shown wiping sweat from his body he is seen to sniff the towel. The Board noted it had recently dismissed complaints about similar health and safety concerns in case 0338/14 which featured a man sharing a bath with a dog, and in case 0276/14 which featured a man picking his nose:

“The Board noted complainant’s concerns regarding the unhygienic action of picking ones nose and wiping the contents on the door trim.

The Board noted that although the action is in poor taste, nasal mucus is a bodily function that occurs in everyone and is not isolated as a form of contagion.”

In the current advertisement the Board noted that sniffing the sweat from one’s own towel is not of itself a health issue and considered that the man’s actions make him appear silly and would be unlikely to give the impression that his behaviour is appropriate or should be copied.

The Board acknowledged the ‘ick’ factor of the man’s actions in sniffing his own sweat on a towel but considered that the actions portrayed in the advertisement are not in breach of any Prevailing Community Standards on hygiene.

The Board determined that the advertisement did not depict material which would be in breach of Section 2.6 of the Code.

Further finding that the advertisement did not breach the Code on any grounds, the Board dismissed the complaints.