



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0207/19
2	Advertiser	Step One
3	Product	Lingerie
4	Type of Advertisement / media	TV - Pay
5	Date of Determination	10/07/2019
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.2 - Objectification Degrading - men
- 2.2 - Objectification Exploitative - men
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

This Pay TV advertisement is for Step One underwear features a split screen. On each half of the screen is a man in underwear holding a mannequin in underwear. The man then explains the difference between the traditional cotton underwear and the new style of underwear.

THE COMPLAINT

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

*Due to the close up of a mans genitals, which is degrading and sexist to men.
The continuous display of the mans genitals are offensive.
This will cause women to compare mens penis size.
And make all men sexual objects.*

Sexual in nature during kids prime time, focussing in and zooming in on the males



genitals. Needs to be moved to after 8:30 pm.

THE ADVERTISER'S RESPONSE

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

About Step One Underwear

Step One Underwear was started in July of 2017 by Greg Taylor. He realised that traditional underwear has not changed in over 50 years, it's 3 flat pieces of cotton stuck together little to no innovation. Greg then addressed the 3 key complaints of men's underwear:

- *Riding Up*
- *Chafing*
- *It's hot and doesn't breathe*

Greg invented lycra panels between the legs. This reduces friction between the legs, which stops underwear riding up and this also stops men from chafing as it positions a layer of very low friction fabric (lycra) between the legs which is what causes chafing. Greg then looked at the best type of fabric to use for men's underwear. He tested several different types, as cotton is traditionally used as it's cheap to make and has longevity. He tested micro-modal, synthetic fibres and then landed on Bamboo for its natural anti-bacterial properties and it's sustainable nature. (Bamboo uses 1/3 the water the same amount of cotton does to grow)

Greg then sourced an ethical factory in China that is BSCI accredited which means:

- *Fair Wages*
- *Fair Working Conditions*
- *No Forced Labour*
- *No Child Labour*

Step One has sold over 500,000 pairs of underwear and has nearly 100,000 customer across Australia and New Zealand. Our underwear is the most highly rated in Australia, having over 1,500 5-star reviews on www.productreview.com.au Please see Step One's Responses to the relevant sections of the AANA Code of Ethics.

- *Section 2.3 of the Code (violence) – there is no violence in this advertisement*
- *Step One: There is no violence in this advertisement*
- *Section 2.5 of the Code (language) – there is no inappropriate language in this advertisement*
- *Step One: There is no inappropriate language in this advertisement*
- *Section 2.6 of the Code (health and safety) – there are no depictions in this advertisement which would be contrary to community standards on health and safety.*
- *Step One: There are no depictions in this advertisement*
- *Section 2.7 of the Code (distinguishable advertising) – This advertisement is clearly identifiable as advertising material.*
- *Step One: The advertisement is clear that it to purchase a product. Reference of this is the URL direction given at the end of the advertisement.*



Section 2.1 Discrimination or vilification (gender)

- *Does the advertisement depict men receiving unfair or less favourable treatment?*
- *This advertisement does the opposite, it depicts men in a confident and knowledgeable manner. The advertisement depicts men confidently wearing Step One underwear and is aimed at addressing the common problems men have with traditional underwear, riding up and chafing.*
- *Or does the advertisement in any way humiliate or intimidate men or incite hatred, contempt or ridicule of men?*
- *This advertisement does completely the opposite, it shows that men can confidently wear and discuss underwear, something that men traditionally have not discussed or addressed. The advertisement is designed to show that Step One has addressed the most common complaint that men have about their underwear and that there is a solution on the market to address these problems.*

Section 2.2 Exploitative or degrading (men)

- *Does the advertisement take advantage of the sexual appeal of a person, or group of people, by depicting them as objects or commodities?*
- *Any focus on male body parts is on a mannequin or part of the product being sold, for example; the lycra panels between the legs. We deliberately use the mannequin as this removes the need for the image to focus on the male genitalia on a real person. The use of a mannequin is standard practice across all our advertising as this ensures Step One comply to Facebooks advertising guidelines.*
- *Does the advertisement focus on body parts where this bears no direct relevance to the product or service being advertised?*
- *No. The only focus of the male genitals is on the mannequin and when we reference the lycra panels which sit between the legs. There is no other way to highlight these lycra panels as they sit exactly between the legs which acts as a layer of friction reducing fabric to excessive skin-on-skin contact.*
- *Does the advertisement lower the men in character or quality?*
- *This advertisement clearly shows men clearly excited about the product and in fact Step One have over 1,500 5-star reviews on Australia's most trusted and independent review website, www.productreview.com.au which range from how Step Ones have dramatically improved the lives of thousands of men around Australia. These reviews are written by both men and women.*

Section 2.4

- *Does the advertisement treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience (those that are likely to see the advertisement)*
- *Step One are very specific and we ONLY purchase all audience channels, both male and female aged 25-54.*



- *Step One has never purchased any children's programming*
- *There is no nudity in the advertisement*
- *We use mannequins in all our advertisements so we can focus clearly on the lycra panels between the legs. This is also to satisfy Facebook's advertising requirements*

I hope I have addressed all concerns relating to the TV advertisements Step One Clothing is currently airing.

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 degrading and sexist to men and makes all men into sexual objects
- features a close up of a man's genitals
- is blatantly sexual and inappropriate for a time children could see.

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

The Panel noted that the Pay TV advertisement features a split screen. On each half of the screen the man is wearing underwear and holding a mannequin in underwear. The man then explains the difference between the traditional cotton underwear and the new style of underwear being promoted.

The Panel considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: "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 complainant's concern that the advertisement is degrading and sexist to men, makes all men into sexual objects and will cause women to compare men's penis sizes.

The Panel noted the advertiser's response that the advertisement clearly shows the man excited about the features of the new underwear, and there is no focus on his genitals, rather any close-up shots are done on the mannequins.

The Panel noted that the advertised product is underwear and the advertiser is justified in showing the product and how it would be worn provided that in doing so it meets the provisions of the Code.



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.

The Panel first considered whether the advertisement used sexual appeal.

The Panel considered that the depiction of a man in underwear is one which some members of the community would consider to contain sexual appeal.

The Panel then considered whether the advertisement used sexual appeal in a manner that was exploitative of an individual or group of people.

The Panel considered that the advertisement depicts the man in an informative and controlled manner. The Panel considered that there is no mention of the man's genital size, and no focus on his groin area. The Panel considered that any close-up shots of the product were done on the mannequin and that this was directly relevant to the product being sold. The Panel considered that the men were not posed or presented in a sexualised manner and that the language used in the advertisement was not sexualised. The Panel considered that the man was not depicted as an object or commodity and that there was no focus on his body parts. The Panel considered that the advertisement did not use sexual appeal in a manner which was exploitative of the man.

The Panel then considered whether the advertisement used sexual appeal in a manner that was degrading of an individual or group of people.

The Panel considered that the man was depicted as confidently giving information about the features of the advertised product while wearing both the advertised product and traditional cotton underwear, and that this depiction did not lower the character or quality of the model. The Panel considered that the advertisement did not use sexual appeal in a manner that was degrading of the model.

On that basis, the Panel determined that the advertisement did not employ sexual appeal in a manner which is exploitative or degrading of an individual and did not breach Section 2.2 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 the complainants' concern that the advertisement featured close-ups of men's genitals and that the sexual nature is inappropriate for children to see.

The Panel noted the advertiser's response that there are no close-ups of the man's genitals, rather any close-up is of the mannequin.

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 two different types of underwear 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 while some people would consider the depiction of a man in underwear to have sexual appeal, the depiction of the man and the mannequins in the advertisement did not meet the definition of sexuality. The Panel considered that there was no sexual language or imagery in the advertisement.

The Panel considered that the advertisement did not contain sexuality.

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 two different styles of underwear. The Panel considered that the man's chest and legs are visible, and that this could be considered by some members of the community to be partial nudity.

The Panel then considered whether the advertisement treated the issue of 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, and 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 considered that there is no depictions 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 genitals. 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 in the Panel's view the advertisement 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.

