



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

| | | |
|---|--------------------------------------|-------------------------|
| 1 | Case Number | 0246/18 |
| 2 | Advertiser | Sojo Pty Ltd |
| 3 | Product | Clothing |
| 4 | Type of Advertisement / media | TV - Free to air |
| 5 | Date of Determination | 23/05/2018 |
| 6 | DETERMINATION | Dismissed |

ISSUES RAISED

2.4 - Sex/sexuality/nudity S/S/N - general

2.5 - Language Inappropriate language

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement for underwear features Nick (Honey Badger) Cummins and Danielle Scott wearing Tradies underwear and using colloquial terms to describe the benefits of the underwear. Phrases used include: 'ventilate the cheek squeaks', 'drop your tackle', 'happy as a clam in the new tradie bra', and 'a piggyback for your package'.

THE COMPLAINT

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

Double entendres. Offensive. References (inferred /suggested) to male & female genitalia.



THE ADVERTISER'S RESPONSE

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

Re: Tradie Underwear

Complaint Reference Number: 0246/18

To whom it may concern;

Thank you for your correspondence dated 9 May 2008.

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 "Iarrikinisms" which our ambassador Nick 'Honey Badger' Cummins is well known and loved for by Australians. In saying this we will never make every member of the general public happy or comfortable with his persona and profile.

Underwear Advert 1

Key: iSOJ547330U

CAD: W4TSTWAA

Underwear Advert 2

Key: iSOJ547315BW

CAD: W50D1WAA

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 comfortable, good quality and fun.

Secondary; Australian families – in particular the Dad's and teenagers of Aussie families who need to relate to the brand as something they would wear.

Please note we've made the same type of humorous adverts for the past 3 years and we have had no issues with our previous adverts. Past adverts include;

Year 1 Advert

<https://www.youtube.com/watch?v=TZJU1YfLtHI>

Year 2 Advert

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

Our advertising script lines 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. In fact in a recent research group in Sydney several attendees discussed the likability of the ads and demonstrated that they were wearing the underwear during the session - as an advertiser this was extremely pleasing to see how we were positively penetrating the market. We have received virtually hundreds of posts and feedback on the likability of our ads and the character of Nick Cummins.

I would also like to point out the complaint was made on a TVC viewed after 8.30pm, by a person whom is not our target audience (over 65), and in the context of talking about the comfort and fit of our underwear.

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 complainant’s concern that the advertisement contains inappropriate sexualised language.

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

The Panel noted that the television advertisement features Nick (Honey Badger) Cummins and Danielle Scott wearing Tradies underwear and using colloquial terms to describe the benefits of the underwear. Phrases used include: ‘ventilate the cheek squeaks’, ‘drop your tackle’, ‘happy as a clam in the new tradie bra’, and ‘a piggyback for your package’.

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 the advertisement received a W rating by CAD (not in children’s programs) and was aired at a time appropriate to the rating (http://www.freetv.com.au/media/CAD/Placement_Codes.pdf). The Panel considered that the relevant audience for this advertisement would likely be broad and include children.

The Panel noted the complainant’s concerns that the advertisement featured referred references to male and female genitalia.



The Panel considered that some colloquial references to body parts are made in the advertisement such as 'longfellow', 'tackle' and 'toolbox', and considered that these phrases are humorous and not used in a sexually suggestive manner but in a matter-of-fact manner.

The Panel considered that both Nick and Danielle are appropriately covered for an advertisement on underwear and considered that the advertisement did not contain nudity.

The Panel considered that while there is brief focus on the products and associated body parts, these are not sexualised or intended to be sexually suggestive.

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

The Panel considered whether the advertisement was in breach of Section 2.5 of the Code. 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 complainant's concerns that the advertisement featured inappropriate innuendo.

The Panel noted that they had previously considered a similar advertisement for the same campaign, in case 0374/15, in which:

"The Board noted the reference to 'meat and two veg' and considered that whilst this colloquial reference to a man's penis and testicles may be found offensive to some members of the community the Board considered that it is not strong, obscene or sexualised language.

The Board noted that Nick is known for using this type of Australian vernacular when interviewed as part of his duties as a sportsman and considered that even if you were not familiar with this Wallabies player and his style of speak in the Board's view the language used in the advertisement is not strong, obscene or inappropriate in the circumstances."

In the current advertisement the Panel considered the Australian vernacular used by Nick and Danielle was humorous and light hearted, and consistent with the previous determination in 0374/15, the Panel considered that the language in the advertisement was not obscene or inappropriate in the circumstances.

The Panel considered that the language was not strong or obscene or inappropriate in



the circumstances and did not breach Section 2.5 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Panel dismissed the complaint.

