



Case Report

1	Case Number	0247/12
2	Advertiser	Unilever Australasia
3	Product	Toiletries
4	Type of Advertisement / media	Cinema
5	Date of Determination	27/06/2012
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

- 2.5 - Language inappropriate language
- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.1 - Discrimination or Vilification Age
- 2.1 - Discrimination or Vilification Gender
- 2.1 - Discrimination or Vilification Race

DESCRIPTION OF THE ADVERTISEMENT

The Commercial is set in a TV studio with a mixed female and male audience and features a female presenter. A second woman, named “Amber Jones”, is introduced as former champion of a fictitious tennis tournament, “The Tasmanian International”. The tennis star starts talking about dirty sports balls and the difficulties of cleaning them properly. A young man is called on stage as a volunteer to clean dirty sport balls using Lynx Shower Gel and the Lynx Body Buffer. He demonstrates how to clean golf balls using Lynx Shower Gel together with the Lynx Body Buffer. Men in the audience then proceed to throw dirty tennis balls, cricket balls, and a sack with soccer balls on stage to have them cleaned. The presenter and ‘Amber James’ comment on the cleaning process while the male volunteer cleans the dirty sports balls with Lynx Shower Gel using the Lynx Body Buffer. Finally an older man, ‘Mr Gilbert’ is called on stage. He carries two deflated medicine balls. After the volunteer has cleaned the medicine balls they look inflated and shiny, and are handed back to a happy ‘Mr Gilbert’. Throughout the Commercial the presenter and the tennis star use innuendo associated with dirty sports balls to encourage good hygiene practices among men as a way to improve their self-confidence.

The Commercial is aired in two versions which differ only in the last frame. The last frame of one version promotes a “Free Body Buffer” as long as stock lasts. The last frame of the second version does not contain this message.

THE COMPLAINT

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

There was no room for misinterpretation of the underlying message. In promoting the ball scrubber there was clear intent to have viewers' associate balls with the male appendage/scrotum. The language and sentence structure was highly offensive as the two female hosts discussed the supposed benefits of using the lynx ball scrubber. It is featured at this site <http://www.youtube.com/user/LynxEffectAustralia>. My wife and I were very shocked and grateful that our 16yo and 20yo children were not present. It was grossly offensive. Many around us in the theatre we whispering under their breath I expect at similar confronting innuendo.

Both my wife and I feel the ad was inappropriate in its content and inference and went too far!

Reasons are:

-Intimacy between a man and a woman are private and sacred anything that belittles woman or man should be avoided.

-All ads need to have advertising approval before being aired just as movies do.

-I have posted this on the Facebook website.

-I just wanted say how disgusted and appalled at the above add featuring Ms Sophie Monk. I went with my husband my two daughters my two brothers and friends to see a movie. As we were waiting for the movie to begin we were assaulted with the Lynx ad. What sort of Advertising team do you have employed? Obviously one with no morals or values. This ad does nothing to want me or the rest of our group to rush out and buy this product. In fact it does the opposite.

-The entire audience in the theatre including young men and young women sat in shock at this assault that we had no control over. I will be contacting Village cinema to remove this ad and also encourage all of my friends family and anyone I can talk to not to buy this product. Ms Monk should be ashamed of herself... No amount of money can bring back lost virtue. Wake up.

Heavily filled with a sexual connotation. There were many young people i.e. 13 - 18 yr olds in the theatre. It was very poor taste and went on for about 10 minutes.

Gratuitous use of sexual innuendo. Demeaning to Men. Has little relevance to the advertised product (a body wash).

I attended the movie which was rated M with a number of family members including some young teenagers. I felt the advertisement to be lewd and deliberately provocative as well as demeaning of both sexes as well as the aged and not appropriate for young teenagers. I feel it was totally inappropriate to present this long advert (which repeated the same messages in different scenarios) to such a general audience especially children.

The blatant sexism in using women in short skirts talking about 'balls' 'ball sacks' 'saggy old balls' etc. was offensive. Also the use of racial stereotype of a black male having 'a great big ball sack' was offensive.

Hello I'm making a complaint in regards to the Lynx advertisement shown prior to the screening of Prometheus on Saturday 9th June at the Rivoli cinema in Camberwell. The advertisement is deliberately explicit in its use of the word 'balls' and repeatedly uses the suggestive nature of the word as a form of crude humour. Only a few teenage boys were laughing and the rest of the audience were pretty appalled that they had to sit through this very long and very offensive advertisement. It was particularly offensive as unlike television

the audience had to sit through the entire advertisement that basically revolved around 'dick jokes' for over three minutes.

The advert was painfully lengthy puerile in its subject matter clearly insulting and demeaning to men especially older men. There were several couples in the same movie session as my wife and I and like us they looked embarrassed and uncomfortable. My wife kept saying 'when will this stop'!

It has consistent sexual innuendos targeted towards men

The presenter rolls 2 golf balls around her palm for what seems like 30 secs and explains she could play with those balls all day.

Can you imagine if a man was to say on TV or cinema that he would pat his pussy all day long?

I was offended by the advertisement because:

It objectified women this is because:

-It made it seem they were responsible for men's hygiene in a chauvinistic way reminiscent of age-old stereotypes about women i.e. you will get women to 'clean-up for you' in a debasing way if you bought the product.

-It wasn't really about selling a shower gel it was about sexual innuendo pertaining to Sophie Monk playing with everyone in the audience who was male's testicles and this was repulsive.

-It seemed to imply that women will play with men's testicles if they wash themselves which is clearly beside the point!

-It was racially inappropriate.

-The African American man with the 'large ball sack' -> feeding into racist stereotypes.

-It was demeaning to old people because of the elderly gentleman character.

It is the most disgusting advert I think I have ever seen.

The movie was projected to an audience including young children and the advertisement featured excess inappropriate sexual content. The whole advertisement was about guys keeping their testicles clean and using lynx to clean them so that the two women in the advertisement would enjoy playing with them. If this was to an over 18 audience while still crude and unnecessary for an advertisement it certainly should not be projected to an audience containing children (the movie was rated M).

The ad features way over the top sexual innuendo including different sizes and colours of sports balls as a metaphor for men's testicles and that women don't like playing with dirty testicles. It was sexist and extremely immature and in bad taste considering half the audience of the cinema were children. I was with my girlfriends' young niece watching an M rated movie and it was quite offensive for her to have to watch.

As a 26 year old male I am the target audience for this product and I will certainly not be buying Lynx again after this incredibly intellectually degrading ad. It was pathetic and offensive to a whole range of ages and genders.

This advert was shown before an M rated movie. This 3 minute long ad had everyone in the audience stunned with its vulgar and crass references to men's testicles. It didn't attempt to hide the double entendres and it just kept getting worse.

I really think this advert is degrading to women and sends the wrong message to teenage boys. The message intended was "use this product to clean your testicles and then hot women will play with them". "Women are attracted to shiny clean testicles". That is not how the real world works.

The product itself could have been promoted in a far better fashion. A short 30 second commercial with maybe 1 double entendre would have been funny. This advert is just a sad attempt to be risqué. It should be pulled before hitting main stream television.

This advertisement was shown at 3:30pm on a weekday at a local cinema and is for a shower gel and body buffer for men the reference to cleans your balls is used as a sexual reference

as it could not refer to sporting equipment as then this advertisement would be misleading - totally inappropriate at this time slot when under 18 year olds were in the audience.

THE ADVERTISER'S RESPONSE

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

The Commercial is being aired on TV (0231/12), Pay TV (0246/12), Cinema (0247/12) and on Youtube (0240/12). We note that the ASB is considering the Commercial in relation to issues that fall under Sections 2.1, 2.2, 2.4 and 2.5 of the AANA Code of Ethics.

Lynx is a brand that communicates to its target audience in a fun, tongue-in-cheek way that we know to be relevant to them. Lynx also has a proud history of award winning commercials which both entertain and surprise consumers. The Commercial continues this tradition of tongue-in-cheek entertainment by using innuendo and double entendre comedic techniques to advertise Lynx Shower Gel and the Lynx Body Buffer. Lynx strives to create amusing marketing campaigns and promotions, and the men and women featured in our advertising are always in on the joke.

In essence, Lynx advertisements are about the importance of good hygiene to support health and wellbeing. Good hygiene, feeling and appearing clean and the use of fragrance helps boost the confidence of young men who often find themselves daunted by the dating game. Men generally don't feel comfortable discussing their personal hygiene openly and thus campaigns around men's hygiene and health resonate better with all men, and young adults in particular, when they use humour as a way to talk about important issues. We believe that the audience understands the playful nature of the Commercial and the use of innuendo in relation to sports balls.

Unilever is a responsible advertiser and has numerous internal review processes, including review by Unilever's Legal and Corporate Relations Departments to critique all advertisements to ensure compliance with legal and ethical considerations.

We carefully choose programming that is consistent with the themes and content of our advertising. Unilever takes the AANA Code of Ethics seriously and we have taken great care to ensure that the Commercial complies with the Code of Ethics. When developing our media schedule for Lynx campaigns, we carefully choose programming that is consistent with the tone of our advertising and that is directed to an appropriate audience.

1. The Commercial

The Commercial promotes Lynx Shower Gel and the Lynx Body Buffer. It is set in a TV studio with a mixed female and male audience and features a female presenter. The set is designed to resemble that of popular advertorial television shows. A second woman, named "Amber Jones", is introduced as former champion of a fictitious tennis tournament, "The Tasmanian International". The tennis star starts talking about dirty sports balls and the difficulties of cleaning them properly. A young man is called on stage as a volunteer to clean dirty sport balls using Lynx Shower Gel and the Lynx Body Buffer. He demonstrates how to clean golf balls using Lynx Shower Gel together with the Lynx Body Buffer. Men in the audience then proceed to throw dirty tennis balls, cricket balls, and a sack with soccer balls on stage to have them cleaned. The presenter and 'Amber James' comment on the cleaning process while the male volunteer cleans the dirty sports balls with Lynx Shower Gel using the Lynx Body Buffer. Finally an older man, 'Mr Gilbert' is called on stage. He carries two

deflated medicine balls. After the volunteer has cleaned the medicine balls they look inflated and shiny, and are handed back to a happy 'Mr Gilbert'. Throughout the Commercial the presenter and the tennis star use innuendo associated with dirty sports balls to encourage good hygiene practices among men as a way to improve their self-confidence.

The Commercial is aired in two versions which differ only in the last frame. The last frame of one version promotes a "Free Body Buffer" as long as stock lasts. The last frame of the second version does not contain this message.

2. Compliance with AANA Code of Ethics

2.1 Award winning concept of the Commercial

A different version of the Commercial was aired in the United States of America in 2010 and is still available on Youtube. The US version of the Commercial has won multiple awards including the Cannes Gold Lion in 2010 for Best Internet Film, the Andy's Awards 2011 (Bronze) for Personal Products and the Webby's award in 2010 for Best Viral Marketing Campaign.

We have taken great care to change the script of the US version to ensure it reflects prevailing community standards in Australia and is compliant with the AANA Code of Ethics. For example, in the US version the female tennis star is shown cleaning the dirty sports balls. In the Australian Commercial this has been changed to a male volunteer to avoid any unintended suggestion of sexism or discrimination of females in the Commercial. Some of the language and expressions used in the US version were also changed to be more in line with Australian community standards and reflect socially acceptable vernacular, while some scenes were shortened or removed completely.

2.2 Programming

(a) TV

CAD provided the Commercial with a "C" (General Unrestricted) rating whereby the Commercial "May be broadcast between 9.00pm and 5.00am on any day except in G or PG programs or sport; Starting at 8.30pm; Starting before and continuing past 8.30pm; Or in a break preceding a program which starts at 8.30pm. If the program continues past 10.30pm this restriction ceases to apply."

Unilever has taken great care to ensure that the Commercial has been placed in programming as prescribed in the CAD approval. The TV media buying is targeted at the young adult male audience and as such the spot placements are amongst programming that is targeted at its intended audience on the channels ONE, 7Mate and Eleven during programs like 'Comedy-Specials', 'Jail', 'The Loop' or 'Wild Justice California'. The Commercial is consistent with content, themes and style of humour the audience would be exposed to during this type of programming.

(b) PayTV

We attach a number of spot lists showing the placement slots and times in PayTV. Similar to the placement in TV, the spot placements were after 9.00pm and amongst programming that is targeted at a specific audience including programs like "Cops: Adult Only", "The Late Late Show with Craig Ferguson" or the movie "Max Payne". The Commercial is consistent with content, themes and style of humour the audience would be exposed to during this type of programming.

(c) Cinema

The Commercial is shown before M and MA 15+ rated movies that are classified as mature adult content not recommended for people under 15 years of age. We have ensured that the content, themes and style of humour of the Commercial is consistent with the movies "Prometheus" and "The Dictator" before which it is screened. These movies contain a high level of graphic violence, adult themes and language that go far beyond the content of the Commercial.

(d) *Internet*

The Commercial also aired on Youtube, on www.lynxeffect.com.au and on the Lynx facebook site where consumers who find the humour that is used in Lynx advertisements amusing and relevant can make a conscious decision to view the ad.

2.3 *Positive consumer feedback*

We monitor responses to the Commercial on Youtube and news media outlets and note that the Commercial has received an overwhelmingly positive response. The Commercial has been viewed more than 500,000 times on Youtube and has a positive rating of 91% (figures as at 18 June 2012). Other comments include:

Melbourne 3AW Talkback Radio:

“There is nothing wrong with this ad it's funny and well [I don't] believe it's degrading to either men or women it's telling men to think about the personal hygiene in a way and it was [very] well done”. (Rachel Thursday 14 June, 2012 - 1:29 AM)

Herald Sun Website:

“As a bloke in the target market I thought this was very humorous...”

(Matt of Bundoora posted at 11:25 PM June 11, 2012)

Youtube comment:

“I've never seen seen this ad.....until now.....pwahahahaha!!!~! I've never laughed so damn much in my life!! Epic ad.....just epic!!” (XxPopGenerationxX)

Facebook comment:

“Cleans your balls ! Best advert ever haha” (Kimberly Doulton)

2.4 *Section 2.1 of the Code of Ethics*

Under Section 2.1 of the Code of Ethics 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 gender.

(a) *No discrimination against women*

We submit that the Commercial does not portray women in a way that discriminates against or vilifies a person or section of the community on account of gender. In particular, the Commercial is not sexist or sexual, and the women in the Commercial are not portrayed as sexual objects.

In adapting this advertisement for the Australian audience we have ensured that neither the female presenter nor the female tennis star are shown to be cleaning the sports balls. The women talk about cleaning balls in the context of sports balls and then invite a male volunteer from the audience to assist with cleaning process. At no point during the Commercial are the two women shown cleaning sports balls, or touching sports balls in a way that could be interpreted as sexual or otherwise inappropriate. The words “Feel just how clean those balls are, Stephanie” - “Stephanie: (feeling the balls) Wow. I could play with these balls all day” relate to two golf balls that were cleaned by the male volunteer. At all times when the women are talking about cleaning balls the correlating visuals are of a variety of sports balls and the context of the Commercial makes it clear that all references to balls are references to sports balls. The Commercial shows the audience being impressed with the cleaning power of Lynx Show Gel and the Lynx Body Buffer on dirty sports balls. In fact, the Commercial is showing the presenter and the tennis star as two empowered women who are leading the audience through the TV show without appearing in a sexualised way. Unilever conducted a consumer survey in which 500 Australian women between the age of 16 and 64 were shown the Commercial and then asked about their opinion. 82% of the surveyed women did not feel that the Commercial is discriminating against women:

(b) No discrimination against men

The Commercial also does not portray men in a way that discriminates against or vilifies a person or section of the community on account of gender. One of the complainants states that the use of the Lynx Body Buffer cleaning a variety of sport balls “is an insult to male masculinity and extremely sexist”. We submit that although the Commercial refers to ‘balls’ this does not happen in a sexist or sexual way. All references to ‘balls’ are clearly made in connection with sports balls. The use of innuendo does also not lead to a discrimination against men. Lynx Shower Gel is a body wash that is meant to be used for the whole body including men’s testicles. We do not believe that it is an “insult to the male masculinity”, as stated by one of the complainants, when an advertisement of shower gel and a washing tool that are meant to be used for the whole body references specific body parts. It is our view that this light-hearted reference to the word “balls” in the context of sporting equipment is in line with prevailing community standards and any associated innuendo is used to engage the target audience around good hygiene practices which are important for health and wellbeing in a humorous and non-threatening way. We do not believe the word “balls” can be interpreted as a discriminatory to men in this context.

The intention of the TVC is to advertise the Lynx Shower Gel and Body Buffer by promoting good hygiene and healthy behaviour. The fact that some of the men in the audience of the mock TV sales show are shown holding dirty or deflated sports balls does not create the impression that the testicles of men in general are dirty or deflated. We strongly believe that men understand the innuendo and the humour intended and that the video shows men feeling more confident after the sports balls have been cleaned.

(c) No discrimination on the account of race

Some complainants argue the fact that a man of African- American appearance man in the audience throws a sack of soccer balls on the stage to have it cleaned is discriminating against African American people. We submit that the Commercial and in particular this scene is in no way discriminating against any minority groups in the Australian population including people of African American descent and that it does not convey a negative impression of people of a specific ethnicity or race. The Commercial shows both white men and black men throwing sport balls on stage to have them cleaned. The African American actor in the audience was not chosen to imply that African American men have bigger testicles than for example Caucasian men. The sport balls range in size and include golf balls, tennis balls, cricket balls, soccer balls and medicine balls. For example, the medicine balls that are carried on stage by the older man (‘Mr Gilbert’) are bigger than the soccer balls and tennis balls. In no way does the Commercial create the impression that the size of the sport balls shown are representative of the size of the testicles of the respective men in the audience who are holding these sport balls, or that the skin colour of these men is of any relevance in this context.

(d) No discrimination on the account of age

Some complainants state that the Commercial is offensive and disrespectful to elderly people because an older man (‘Mr Gilbert’) shown carrying old medicine balls on stage and asking if these “saggy old balls” can be cleaned. We submit that the Commercial does not stereotype elderly people in any way. The men who appear in the Commercial are representative of a wide range of age groups, from young to old, and all of these men are asking to have their sport balls cleaned which are dirty or, stained or deflated for different reasons. Please note that the sports balls of all men who appear in the Commercial are dirty and that all men, young and old, are asking to have them cleaned. Mr Gilbert is shown as a friendly elderly man. The Commercial uses humour to show that the sport balls of ‘Mr Gilbert’ also look shiny and new after they have been cleaned. Due to the fact that the

Commercial treats both young and elderly men in an identical way it is incorrect to suggest that the Commercial discriminates against elderly men on the account that 'Mr Gilbert' is shown carrying dirty and deflated medicine balls.

2.5 Section 2.2 of the Code of Ethics

Under section 2.2 advertising or marketing communication should not employ sexual appeal in a manner which is exploitative or degrading of any individual or group of people.

According to the Practice Notes to the Code of Ethics the term "exploitative" means "clearly appearing to purposefully debase or abuse a person, or group of persons, for the enjoyment of others, and lacking moral, artistic or other values". "Degrading" means "lowering in character or quality a person or group of persons".

We submit that the Commercial does not contain any visuals or words that could be interpreted as objectifying women in the way described above. Objectification generally refers to the practice of regarding a person merely as an object with no regard to the person's personality, and a sexual objectification would require that a woman is regarded simply as an object of sexual gratification or who is sexually attractive to provide pleasure for men with no regard for the person's personality.

One complainant states that the fact that Sophie Monk has appeared topless in men's magazines would make the Commercial discriminating against women. Sophie Monk was chosen to appear in the TVC because she is popular amongst the target group of young adult men. The fact that Sophie Monk has appeared in magazines for men does not make the Commercial itself discriminating. In the Commercial Sophie Monk is presented as a professional tennis player wearing a style of sports clothes that are commonly worn by tennis players including world class female tennis players who are frequently shown on television. The Commercial does not show Sophie Monk in a sexualised way but as a celebrity in a fictitious TV sales show commenting on the cleaning power of Lynx Shower Gel and Body Buffer products while wearing a commonly used sports outfit.

We also submit that Sophie Monk and the female presenter do not touch the sports balls in a sexualised way that would imply that they would want to touch men's testicles or 'play' with them.

We note that some of the complainants appear to have viewed the US version of this advertisement which shows the female tennis star cleaning sport balls and the female presenter holding two golf balls in one hand. The US advertisement was launched in 2010 and has not been endorsed by Unilever Australia Ltd.

2.6 Section 2.4 of the Code of Ethics

Under section 2.4 advertising and marketing communication shall treat sex, sexuality and nudity with sensibility to the relevant audience.

One complainant states that the Commercial is "obviously actually referring to testicles" and that it would contain "Sexist pornified connotations and images of overtly sexual and pornified nature".

We submit that the Commercial does not contain any references to sex, sexuality or nudity. The Commercial makes clear that the statement "no-one has played with them for years" is made in reference to those particular sports balls. Some men in the audience wear sports clothes, e.g. tennis clothes or cricket clothes and throw tennis, cricket and soccer balls on the stage. It is obvious for the viewer that this statement means that no one has played with the sport balls for years because they are dirty or deflated.

The messages that no one wants to play with dirty sports balls when they are dirty and "I could play with them all day" are a means promote the issue of men's hygiene and good health in a humorous way that is accepted by and relevant to men. We have ensured that the video shows a male volunteer cleaning the sports balls and that the female presenter and tennis star are not cleaning the balls or touching them in a sexualised way. The theme of the

Commercial is firmly set in the realms of a funny advertorial television show with themes consistent with the style of themes that viewers of the television programming and cinema releases around which the advertisement has been placed would be regularly exposed to. The Commercial is entirely appropriate with respect to the programme time zones and its audience. We submit that, in light of the prevailing community standards, the Commercial does treat sex and sexuality with sensibility to its audience and is not likely to cause serious or widespread offence. We believe that the audience understands the humour intended.

2.7 Section 2.5 of the Code of Ethic

Under section 2.5 advertising and Marketing communication shall only use language which is appropriate in the circumstances (including appropriate for the relevance audience and medium). Strong or obscene language shall be avoided.

The Commercial describes sports balls in different ways. As stated above, on each occasion the presenter, the tennis star or 'Mr Gilbert' talk about cleaning a particular sports ball the relevant visual of the sports ball is shown in the Commercial.

Examples:

When the words "No-one wants to play with them when they're dirty, that's why you have to keep your balls clean" and "Well how can guys clean their balls properly - so they're more enjoyable to play with?" are spoken a dirty soccer ball and the Lynx Body Buffer are shown. The question "Can it clean these filthy balls?" is asked by a man in the audience holding dirty tennis balls. The response "Chuck those hairy balls down here" refers to these tennis balls. Tennis balls have a soft surface that can be, and is commonly described as fluffy or hairy.

Another man in the audience is holding a sack of soccer balls asking the question "What about my ball sack?". The term ball sack is commonly used by the public and by manufacturers of sports balls to describe a bag or a net of sports balls, for example for soccer balls or rugby balls.

'Mr Gilbert' is holding two old and deflated medicine balls and asks the presenter "Can you help me with these saggy old balls?". The adjective "saggy" is commonly used to describe something that appears to be deflated

We submit that the audience understands that the language used in the Commercial is language that is commonly used in relation to sports ball in the media and by the general public. The language is uses in a light hearted and humorous way manner that is consistent with modern Australian vernacular. The fact that the same words may be used by some parts of the community to describe male testicles does not make this language inappropriate. Lynx Shower Gel is a body wash that is designed to clean the whole body including men's testicles. The same applies to the Lynx Body Buffer.

The fact that double entendre is used does not make the language inappropriate. Double entendres are generally used to convey a delicate message without using vulgar or obscene words. The main issue is if the message behind the double entendre is inappropriate and not if the words are inappropriate as the words are words that are used every day by the general public and in the media. Double entendre's are widely used in film and TV to convey a message.

Even if the word "balls" was used without the use of double entendre we believe that it is not inappropriate and conflicting with the prevailing community standards as it is widely used vernacular by younger generations, in the media and on the Internet. The Practice Notes to the AANA Code of Ethics state that words which are innocuous and in widespread and common use in the Australian vernacular are permitted (provided they are used in a manner consistent with their colloquial usage, for example with gentle humour, and not used in a demeaning or aggressive manner). The Practice Notes list the following words as examples:

“bugger”, “shit”, “pissed-off”, “crap”, “bloody”, “cheap bastard”, “bum”, “honk if you did it last night”.

We submit that the language used cannot be classified as strong or obscene language that is inappropriate in the circumstances or language would generally be considered to be offensive. There may be some viewers who may feel offended by a low-level use of innuendo and double entendre but the language used is well within the prevailing community standards and the standards set by the AANA Code of Ethics.

3 Conclusion

We submit that the context of the Commercial and the language used are well within prevailing community standards and that Commercial complies with the Code of Ethics. Please contact me should you require any further information.

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 complainant’s concerns that the advertisement is discriminatory toward older men and stereotypes a range of men from different demographics, that it objectifies women, is demeaning to men, contains inappropriate sexualized scenes and dialogue of a sexual nature and features inappropriate language. The Board also noted complainant concerns that the advertisement is vulgar and in bad taste.

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

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

The Board first considered whether the advertisement was in breach of section 2.1 of the Code.

Section 2.1 of the Code states that 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.”

The Board noted complaints that the advertisement stereotypes several different types of men and is discriminatory towards men. The Board considered that the advertisement does depict a number of stereotypes about men from different ethnic or professional backgrounds. The Board considered however that, with the exception of the depiction of the older man, the depictions were not offensive or demeaning to any person or section of society. The Board considered that the advertisement did not discriminate against men.

The Board also considered complainants’ concerns that the advertisement is demeaning of men by suggesting that they are unclean and are motivated by the suggestion that women will

pay attention to them sexually if they use the advertised product. The Board considered that the advertisement is most likely to convey an impetus to men to use the product and would not be taken as a serious suggestion that men would use this product for the purpose of sexual gratification. The Board considered that the advertisement is not demeaning to men.

The Board considered whether the advertisement discriminated against women. The Board noted complainants' concerns that the women are depicted in a demeaning manner. The Board considered that the advertisement is sexually suggestive but that the depiction of the women and their relationship to the sports presentation style scenario is evident and the advertisement is not suggestive of the women themselves being available to clean the genitalia of men. The Board considered that the advertisement does not discriminate against women.

The Board noted the complainant's concerns that the advertisement is offensive and discriminates against elderly men in particular as it refers to their "old saggy balls not being played with for years". The Board considered that the older man is depicted in a negative manner with the inference in the advertisement being that the older man does not receive any attention due to his age. The Board considered that this is a negative depiction of an older person and that this depiction does amount to discrimination against older men.

Based on the above the Board determined that, in this instance, the advertisement did depict material that discriminated against or vilified a person or section of society and did breach Section 2.1 of the Code.

The Board considered whether the advertisement complied with Section 2.2 of the Code which states, "Advertising or Marketing Communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people."

The Board noted the complainants' concerns that the depictions of the women cleaning the balls, continually making sexually suggestive references to 'balls' and holding and playing with the balls in a sexually suggestive manner is demeaning to and objectifying of women as is the depiction of the women in the 'infomercial' style.

The Board considered that the women are depicted in a mock 'infomercial' in a manner which is consistent with how such infomercials appear. The Board also considered that the depiction of Sophie Monk as a tennis pro, attired in tennis wear, was consistent with the sporting scenario depicted in the advertisement. The Board considered that these images are not objectifying of the women as the women are presented as active presenters and participants in the fake advertisement.

The Board noted that the women are fully covered by their outfits and considered that the images do not contain inappropriate nudity and do not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.

The Board considered the women's role as 'ball cleaners' and the repetitive references to dirty balls. The Board considered that the double entendre in the advertisement is strongly sexually suggestive but that the sexually suggestive nature of the conversation in this

particular advertisement is not a breach of section 2.2. In the Board's view the advertisement did not use the women's sexual appeal in a manner which is exploitative and degrading of the women.

The Board then 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 the use of the term "balls" is a double entendre intended to be humorous. The Board accepted that 'balls' is a common vernacular reference to men's genitals. Some members of the Board expressed concern that the frequency of the reference to balls, dirty balls, clean balls, and playing with balls increased the sexually suggestive tone of the advertisement to a concerning level. The Board noted that the Cinema advertisement was shown prior to M and MA 15+ rated movies. The Board considered that as the advertisement was aired within an appropriate time as the relevant audience is an adult or mature audience. The Board considered that the double entendre and sexually suggestive nature of the advertisement was all suggestive and that there was no actual nudity or sexual activity. The Board considered that the sexual references were appropriately sensitive for the mature audience.

The Board determined that the advertisement did not contain strong sexual references and treated sex, sexuality and nudity with sensitivity to the relevant audience and did not breach Section 2.4 of the Code.

The Board then 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 and strong or obscene language shall be avoided."

The Board noted the advertisement features the words, "Balls" and the various descriptors of balls and considered that in conjunction with the sports presentation setting and the use of a variety of actual sporting balls, the language is not inappropriate.

The Board considered that the use of the term 'balls' is an accepted reference to men's genitals in Australia and would not be considered strong or obscene. Although the frequency of the reference increased the effect of the word, making it more sexually suggestive, the Board considered that the advertisement did not use strong or obscene language and determined that the advertisement did not breach Section 2.5 of the Code.

The Board noted significant concern from complainants that the advertisement is in poor taste and is crude. The Board noted that the only grounds on which a complaint can be upheld are those specified in the Code of Ethics.

The Board noted that the advertisement was also considered on TV (0231/12), Pay TV (0246/12), and on the Internet (0240/12) and was upheld on the basis that the advertisement breached section 2.1 in relation to older men.

Finding that the advertisement breached section 2.1 of the Code on the above grounds, the Board upheld the complaints.

ADVERTISER RESPONSE TO DETERMINATION

I refer to your letters which you advised us that the Advertising Standards Board has upheld the complaint(s) about the Lynx Commercial.

We are disappointed by the Advertising Standard Board's determination that the commercial discriminates against older men in breach of section 2.1 of the AANA Code of Ethics. Lynx is a brand with a history of fun, tongue-in-cheek, playful advertising and it is always our intention to amuse, not offend. The men who appear in the commercial are representative of a wide range of age groups, from young to old, and all of them are portrayed in a humorous and good-natured way. It was never the intention of the commercial to discriminate against elderly people.

Unilever takes the AANA Code of Ethics seriously and we will of course abide by the Board's determination. We wish to advise you that we have amended the commercial to comply with the findings. The version of the commercial that was the subject of the Board determination will no longer be made available to the public.