



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0252-20
2. Advertiser :	SOJO Pty Ltd
3. Product :	Toiletries
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	26-Aug-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity
AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This television advertisement depicts two men with towels around their waists spraying deodorant in each others armpits and on themselves. The men smell the deodorant, themselves and each other and make sounds as they do so.

THE COMPLAINT

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

It was sexually promoted and quite rude.

think its inappropriate. coarse, puerile, indecent. I don't think moaning needs to be shown at this hour. or at all in advertising. does the act of sex replicated through noise, need to be heard throughout the living room at 6pm if the television is on during an advertisement? this is my first complaint I've made , but I generally think the advertisements are getting seedier in nature for a while now.

Its hard to believe this advert was approved to be shown on TV as it contains audible sounds of grunting and exhilaration that are matched to a couple having sex. This is completely ridiculous and massively inappropriate to anyone watching TV let alone the



long term effect this can have on innocent children by the blatant sexual undertones displayed. I am offended and sickened by it and will not watch channel 7 as a result..

It sound like they are having sex and it gets louder and louder, very offensive as I have children in the house.

Chroming deodorant is a huge issue with teenagers with serious health implications and this ad makes it look safe and entertaining

THE ADVERTISER'S RESPONSE

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

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 "larrikinisms" which our ambassadors Nick 'Honey Badger' Cummins and The Inspired Unemployed in particular are 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.

*For the general information of the standards board our target audience is:
Primary: Mum's who do the body spray purchasing for their families at the supermarket. We want them to see the brand as a great Australian brand for their families which is good quality and fun.*

Secondary; Australian families -in particular males aged 18-26 who need to relate to the brand as something they would use.

Please note we've made the same type of humorous adverts for the past 5 years and we have had no issues. Past adverts include;

Year 1 Advert

<https://www.youtube.com/watch?v=TZJU1YfLthI>

Year 2 Advert

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

Year 3 Advert

<https://www.youtube.com/watch?v=zsfxk-XeBWQ>

<https://www.youtube.com/watch?v=fN7S4PLQZC0>

Year 4 Advert

<https://www.youtube.com/watch?v=qEK4v18EfUM>

<https://www.youtube.com/watch?v=29ocHal4CjQ>

<https://www.youtube.com/watch?v=8YLuj8auKIA>



*Our advertising scripts go through testing with target audience as part of our script writing process. Once produced to ensure that our TV Cs hit the mark our advertising agency holds qualitative research to get feedback on the response of the ads. We have received virtually hundreds of posts and feedback on the likability of our ads and the characters of *The Inspired Unemployed*.*

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 sexually suggestive and explicit
- Exposes children to sexually mature content
- Could promote solvent abuse.

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

The Panel first 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 considered whether the advertisement contained sex, sexuality or nudity.

The Panel considered whether the images depicted 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 the complainants' concerns that the advertisement uses audio that sounds like people having sex and is sexually suggestive and explicit.

The Panel noted that the audio of the advertisement does have a high level of sexual innuendo and features gasping and moaning sounds that some members of the community may consider to be similar to sounds found in pornographic material or similar to sounds expressed during sexual relations.

However, the Panel noted that the vision of the advertisement is clearly of two men who are not physically touching each other but rather are smelling the scent of their deodorant.

The Panel considered that there is no depiction of sexually stimulating or suggestive behaviour in the advertisement, and that there was no sex in the advertisement.

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 the use of male or female actors in an advertisement is not of itself a depiction of sexuality.

The Panel considered that while the advertisement did not depict sex, the sounds that the men make may be considered by some members of the community to suggest sexual activity. The Panel considered that some members of the community may consider the audio of the advertisement to be sexualised in nature.

The Panel noted that the men in the advertisement were physically very close and spraying deodorant on each other. The Panel considered that this may be seen as an indication of a homosexual relationship between the two men, however this could also be an indication of good-humoured “locker-room” behaviour between friends. The Panel considered that some members of the community may consider the interaction between the two men to be sexualised in nature and to be a depiction of their capacity to experience and express sexual desire and that the advertisement contained themes of sexuality.

The Panel 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 requires the Panel to consider the concept of nudity, and that partial nudity is a factor when considering whether an advertisement treats nudity with sensitivity to the relevant audience.

The Panel noted that the men in the advertisement were seen to be wearing a towel around their waists with their chests bare. The Panel noted that the towels worn by the men covered their genitals. The Panel considered that some members of the community would consider an image of men dressed in only in towels to be a depiction of partial nudity.

The Panel then considered whether the issues of sexuality and nudity were treated 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 considered that the requirement to consider whether sexual suggestion is ‘sensitive to the relevant audience’ requires them to consider who the relevant audience is and to reach an understanding of how that audience might react to or feel about the advertisement. How subtle any sexual suggestion is or might be is relevant



to the Panel considering how children, and other sections of the community, might perceive the advertisement.

The Panel noted that this advertisement had been given a 'G' rating by ClearAds, meaning that it "May be broadcast at any time except during P and C (Children's) programs or adjacent to P or C periods." (https://www.clearads.com.au/wp-content/uploads/2020/02/ClearAds-Handbook-_Edition-8.1.pdf)

The Panel considered the relevant audience would be broad and would likely include children.

The Panel noted that the men in the advertisement were seen to interact in a physically close manner and this may be an indication of a relationship between the two. The Panel considered that although the imagery of the men sniffing each other's armpits were unusual, this behaviour was depicted humourously and was not sexually explicit. The Panel considered that most members of the community would not consider the behaviour in the advertisement to be inappropriately sexualised.

The Panel considered that the depiction of the men in towels was consistent with the bathroom setting of the advertisement and the product being advertised. The Panel noted that the men's genitals were fully covered by the towels, including the shorter towel depicted in the third version of the advertisement. The Panel considered that most members of the community would not consider the depiction of men in a bathroom wearing towels to be inappropriate for viewing by a broad audience.

The Panel considered that the sounds that the men make could be considered to be sexualised, especially if heard without seeing the accompanying imagery. However, the Panel considered that in the context of the advertisement depicting the men smelling the deodorant, the sounds expressed were clearly in relation to enjoying the scent of the product and were not explicitly sexual in nature.

The Panel noted that some members of the community may consider such audio to be inappropriate for broadcast during general viewing times, however considered that children would be unlikely to make a connection between the advertisement and sexual activity especially when viewing the video, which clearly depicts two men not engaged in sexual activity.

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

The Panel considered whether the advertisement complied with 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 Panel noted the complainants' concerns that the advertisement could promote solvent abuse.

The Panel acknowledged that solvent abuse is a serious issue and care should be taken by advertisers when promoting products which may be abused in this way. However, the Panel considered that the men were shown to be enjoying each other's smell after using the deodorant, and were not inhaling the deodorant spray directly or engaging in the behaviour in order to do anything other than appreciate the smell. The Panel considered that the advertisement did not depict or condone solvent abuse.

The Panel noted that the men in the advertisement were interacting in a way which was not consistent with current community guidelines relating to physical distancing. The Panel acknowledged that current community standards around health and safety are that people should maintain an appropriate distance from others and should not interact closely with or touch other people who are not in their household.

The Panel considered that advertisements, which are not clearly set during the pandemic, which show people interacting in a manner which indicates that they know each other, and which do not contain a call-to-action which is against current health recommendation, would be unlikely to be seen by most members of the community to be against prevailing community standards on health and safety.

The Panel noted that the relationship between the two men was not shown, and it was not clear whether the men lived together. The Panel considered that the time and place of the advertisement was also not shown and it was not clear that this advertisement was set during the COVID-19 pandemic. The Panel considered that the advertisement did not contain any messaging or call to action which would encourage people to behave in a manner contrary to current health and safety recommendations.

The Panel considered that the advertisement did not contain material which would be contrary to Prevailing Community Standards on health and safety and determined that it did not breach Section 2.6 of the Code.

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