



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0253-21
2. Advertiser :	Sojo Pty Ltd
3. Product :	Clothing
4. Type of Advertisement/Media :	TV - Pay
5. Date of Determination	8-Sep-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity
AANA Code of Ethics\2.5 Language

DESCRIPTION OF ADVERTISEMENT

This Pay TV advertisement features the NRL player Brandon Smith introducing himself as "Big Stiffy Smithy".

THE COMPLAINT

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

The first speaker Brandon Smith starts the ad by saying "Big Stiffy Smithy here". Not appropriate sexualised statement especially considering the ad often runs during football games where kids are watching.

THE ADVERTISER'S RESPONSE

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

Advertiser did not provide a response.

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 concerns that the advertisement makes degrading and overt sexual references to the female body.

The Panel viewed the advertisement and noted the advertiser did not respond.

Section 2.4: Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

The Panel noted the Practice Note for the Code states:

"Discreet portrayal of nudity and sexuality in an appropriate context (eg advertisements for toiletries and underwear) is generally permitted but note the application of the relevant audience. More care should be taken in outdoor media than magazines, for example.

"Images of models in bikinis or underwear are permitted, however, unacceptable images could include those where a model is in a suggestively sexual pose, where underwear is being pulled up or down (by the model or another person), or where there is clear sexual innuendo from the ad (e.g. depicting women as sexual objects)."

Does the advertisement contain sex?

The Panel considered whether the advertisement contained sex. The Panel noted the definition of sex in the Practice Note is "sexual intercourse; person or persons engaged in sexually stimulating behaviour".

The Panel noted the reference to 'Big Stiffy'. The Panel considered that while this was the man's nickname, it was also a reference to an erection, and the advertisement did contain a reference to sex.

Does the advertisement contain sexuality?

The Panel noted the definition of sexuality in the Practice Note is "the capacity to experience and express sexual desire; the recognition or emphasis of sexual matters".

The Panel noted that the advertisement makes a reference to "Big Stiffy" and considered that some members of the community may consider this to be a sexual reference. The Panel considered that the advertisement did contain sexuality.

Does the advertisement contain nudity?

The Panel noted that the definition of nudity in the Practice Note is "the depiction of a person without clothing or covering; partial or suggested nudity may also be considered nudity".



The Panel noted that the advertisement featured men wearing only underwear and this was a depiction of partial nudity

Are the issues of sex, sexuality and nudity treated with sensitivity to the relevant audience?

The Panel noted that the definition of sensitivity in the Practice Note is “understanding and awareness to the needs and emotions of others”.

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 have an understanding of how they might react to or feel about the advertisement.

The Panel noted that this advertisement was viewed on Pay TV, in particular during football games, and the audience is likely to be broad and include children.

The Panel noted that the advertisement starts with a man in his underwear introducing himself as ‘Big Stiffy Smithy’. The Panel noted that the man, Brandon Smith, was a well-known NRL player and that this is his nickname. The Panel considered that the fleeting reference to ‘Big Stiffy’ would not be understood as sexual by young children. The Panel considered that the fleeting innuendo was in the context of the man’s nickname was not explicit or inappropriate for the relevant broad audience.

The Panel noted that the advertisement features three men in their underwear, which is the product being advertised. The Panel considered that it was reasonable for the advertised product to be featured in the advertisement, and the depiction of the men in their underwear was not inappropriate for the relevant broad audience.

Section 2.4 Conclusion

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

Section 2.5: 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 considered that while the language in the advertisement is sexualised, it is not explicit. The Panel considered that most members of the community would not find the phrase “Big Stiffy Smithy” to be strong or obscene language, particularly when considering the context of the advertisement to be referring to the man’s nickname.

The Panel also noted the use of the phrase “Balls every which way”. The Panel considered that the term balls was used as a colloquial reference to men’s testicles,



which was consistent with colloquial language used in Australia. The Panel considered that the word 'balls' was not inappropriate for the circumstances and was not strong or obscene language.

Section 2.5 conclusion

The Panel determined that the advertisement did not breach Section 2.5 of the Code.

Conclusion

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.