



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

AdStandards.com.au

Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0254-19
2. Advertiser :	Hanes Brands Inc
3. Product :	Lingerie
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	21-Aug-2019
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification
AANA Code of Ethics\2.1 Discrimination or Vilification
AANA Code of Ethics\2.2 Exploitative or Degrading
AANA Code of Ethics\2.2 Exploitative or Degrading
AANA Code of Ethics\2.4 Sex/sexuality/nudity
AANA Code of Ethics\2.5 Language
AANA Code of Ethics\2.0 Other
AANA Code of Ethics\2.0 Other

DESCRIPTION OF ADVERTISEMENT

This television advertisement features two burning planets in space. A voice over states, "as our planet heats up mankind is suffering, suffering in his jocks." The screen then shows the planets on a thermal imaging screen being held in front of a man wearing a towel and the words 'Glo-Ball warming detected' appear on the screen.

The man holding the imaging machine states, "This is glo-ball warming. It's a man-demic. Sweating up the nether-regions of 3.7 billion blokes"

A chef in a kitchen is seen cooking two meatballs in a pan, a welder is shown welding two large metal balls, and a man is seen holding two withered plums and says, "my plums".



The man holds the thermal imaging machine to the groin area of a tradie on a worksite. The tradie asks, "so where are they at?" and the man replies, "13.7" and the other tradies laugh.

The man holds the imaging machine to the groin area of the chef and says, "I hope you like them well done".

A man is then seen standing in a locker room wearing Bonds underwear.

The man continues, "Fight glo-ball warming in a pair of Bonds X-temp with ball cooling technology."

The welder is seen dipping the two hot metal balls in a tub of water.

The man holds the thermal imaging screen to the groin of the man wearing the bonds underwear and the colours on the screen are blue and green. The words "Ball-Cooling activated" appear on the screen.

The man nods and says, "Science. Join the fight today."

THE COMPLAINT

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

I feel that the dark guy was ridiculed, if there was a panel or a range of people of all colour (example: a white guy, a chinese guy, french guy) not just ONE dark / coloured guy talking about how his balls would be better if he wore BONDS jocks they were advertising. I feel the coloured guy got singled out. Like he was put up as an example, of a laughing stock.

Instead of using the term testicles the advertising agency chooses to use the term 'Balls' which is not only crass but immature. The term "Balls" is used over frequently in the advert and is a term that should be left in the boys toilet rather than in prime time TV slots

I was disgusted and deeply offended as a male by the manner in which Bonds were promoting this particular ad for mens underwear, it was lewd, offensive, to portray mens genitals as cooling 'ball's' as a cartoon type feature, I felt my maleness was being openly and truly ridiculed and something to be giggled at. It seems males are fair game in this style of GRUBBY advertising and we are all the poorer for it.

It's inappropriate at this time of day as children may be watching tv at this time is crass and demeaning and objectifies the model standing there.

I have a sense of humour but I also quickly identify gender double standards in our society and there is absolutely no way this ad would be deemed acceptable with



gender roles reverse. In assessing if this ad is suitable, I ask the review panel to swap the gender roles. Consider:

** Instead of Glo-BALL Warming, we now have CLIT-mate Change (both allude to Climate Change and Global Warming using common words used to describe men's and women's genitals)*

** We use shots of devices being held to women's genital region to show a thermal outline of overheating vaginas*

** We use shots of women handling various objects to represent overheating vaginas*

I can only imagine the outcry if an ad included footage of a woman having a device placed in front of her genitals to produce a thermal outline of her overheating vagina. This would be front-page #metoo news. It would be labelled sexist and I doubt the concept would even see the light of day to be honest.

I can have a laugh at the humour only if I feel comfortable swapping gender roles would be possible. It's not. Our society sends a message, sometimes overt, women's bodies are to be respected and treated seriously while men's bodies, and in particular their genitals, are funny and sources of jokes and humour.

If this ad doesn't work with the gender swapped, it's unfit in my view to be on television.

I am offended because someone close to me has had a testicle removed due to cancer. Its not fun and it would distress people in the same situation. The ad is crude and insensitive.

Far from clever comedy but a bogan style of humour that is humiliating and degrading to those it references, to those who appear in it, to those it is forced upon during TV program viewing and to the Bonds brand. A repulsive advertisement. 'Balls' is a term synonymous with games in sport and only used as a vulgar reference to men's testicles by a few but never in a wide audience because it is so distasteful and offensive. The influence this ad can have in projecting the word 'balls' as acceptable to the general public (which includes impressionable children) when referring to a part of the male anatomy is disturbing and very objectionable. Men should not be disrespected and ridiculed in this way and one can imagine the vulgar terminology that could be used in advertising the female anatomy should Bonds pursue this shock and appal method of advertising its underwear.

It is to graphic and not appropriate. As far as I am concerned it is not truthful. Not all men have this problem. It is not needed on free to air tv. I feel is of very low standard. Disgusting.

Thank you

We find that very offensive crude and rude in an ad. By the way "climate change" is nor scientifically proven.



1. The reference to testicles contestant lay is Kras.
2. Misleading as the underwear can't keep your testicles cooler than any other products.

THE ADVERTISER'S RESPONSE

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

Bonds is an underwear and apparel brand, best known for creating fun and fashionable undies for the whole family. On August 4th 2019, Bonds launched a new mens underwear range that has cooling technology built into the fabric – X-Temp. The 'Fight GloBALL Warming' campaign is aimed towards men, and is a tongue-in-cheek narrative that brings to life the core benefit of the new product: the ability to automatically trigger cooling when body temperature rises, and wick away sweat. The 'Fight GloBALL Warming' ad starts with a rumbling fiery planet in space, the planet then turns into two planets, and we pull out to reveal a man holding a thermal camera standing in a locker room. The screen on the thermal imaging camera reads 'Glo-BALL warming detected'. The lead talent says "This is gloBALL warming, a mandemic sweating up the nether regions of 3.7 million blokes – that's 7.4 billion units crying out for help". Meanwhile, we see a series of men in work environments that expose them to heat – a chef cooking rissoles, a welder welding some metal spheres, and a fruit picker holding two plums. We cut to a building site where 5 builders are eating their lunch. The host is there with the thermal camera and one of the builders asks "what are they at?", to which the host replies "38.7" – the builder's colleagues laugh. We cut back to the host who is in the kitchen holding the thermal camera up to check the chef, concerned - "I hope you like them well done".

We cut back to the locker room from the start of the ad. The host announces that it's time for men to fight gloBALL warming in a pair of Bonds X-Temp with ball-cooling technology. We cut to the welder cooling the metal spheres in a tub of water, then cut back to the thermal camera that states 'ball-cooling activated'. The camera pulls out to reveal the host holding the camera and he says, "science". We pull out further to reveal two men wearing Bonds X-Temp and a super appears 'Fight gloBALL warming with X-Temp'. Finally, a Bonds end frame appears.

In regard to the complaints that have been made to the ASB under Complaint Reference Number 0254-19, regarding section 2.1, 2.4, 2.5 of the AANA Advertiser Code of Ethics, we take the opportunity to refute as follows:

The comment about race is completely unjustified. The talent being referred to in the complaint is one of a multi-racial cast of men shown throughout the ad to be suffering from 'gloBALL warming' because of the conditions of their work – the state is not isolated to this talent or any other single person. Bonds prides itself on being an inclusive Australian brand, and ensures representation of people from a diverse range of ethnic backgrounds in all their advertisements. The 30 second advertisement



depicts men from the following ethnic backgrounds as examples of men suffering from gloBALL warming: Polynesian (welder), Caucasian (chef, builder & fruit picker), and Habesha (locker room). In his interactions with each man, the host shows genuine concern that they are suffering unnecessarily.

We refute the suggestion that climate change is being trivialised in this commercial. In fact, the very first line in the ad recognises the existence of climate change: “As our planet heats up, mankind is suffering”. Climate change and the state of our planet are issues that Bonds take incredibly seriously and are passionate and active in addressing in both a business and communications respect. As part of its BKIND platform, Bonds has released ranges that seek to reduce landfill, water consumption and waste in production processes and regularly post about how we can be kinder to the environment. Bonds care about the planet, and they also care about the comfort of the men who inhabit it.

We also refute that the ad inappropriately depicts male nudity or genitalia. Nowhere in the ad is there nudity or genitalia shown – at all times the men appear wearing full clothing or their underwear, which is the product being advertised. The image on the screen of the thermal camera that is held up to the underwear in several instances is an obscured, dramatized, computer-generated graphic/animation used to illustrate the very real product benefit occurring inside the underwear, which uses fabric technology to cool the body and wick moisture. This is done in the same way that an ad for a pro-biotic or a daily fibre supplement would show a digestive system to demonstrate the benefit of their products, or ads for anti-inflammatories showing “x-ray” animations of bodies to demonstrate theirs.

With respect to the use of inappropriate language, “gloBALL warming” is used to describe the condition that men suffer due to increasing global temperatures, poor choice of underwear and workplaces that expose them to extreme heat. It is a tongue-in-cheek pun that adopts the fun and playful tone of Bonds advertising to convey a very real problem afflicting men. “Balls” is a colloquial and oft-used term for a man’s testicles, just as “boobs” is a colloquial and oft-used term for a woman’s breasts. In the ad, we use the term “balls” in the same way as the term “boobs” has been previously used in ads for bras.

In addition, the ‘Fight GloBALL Warming’ TVC received a ‘W’ classification from CAD allowing it to be broadcast any time except during P and C programs or adjacent to P or C periods. The media was bought with an intended audience of men aged 25-39 and the classification of the TVC as well as instructions to networks that ensure it is not on air during classified children’s programming nor during adjacent periods. For the above reasons, we assert this ad complies with sections 2.1, 2.4 and 2.5 of the Code, as well as all other parts of section 2.

We trust upon viewing the TVC and our written response you will agree that the Bonds ‘Globall Warming’ TVC does not breach the AANA Advertiser Code of Ethics. Please don’t hesitate to contact me should you have any queries.



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 first outlined the complaints received about the advertisement.

- Complainants were concerned that the placement of the advertisement was inappropriate, particularly the placement during the evenings when many young children would be watching, and that the advertisement had caused children to have many questions about the content of the advertisement.
- Complainants’ were concerned that the advertisement was in bad taste, and that discussing men’s genitalia was unnecessary.
- Complainants’ were concerned that the language of the advertisement was inappropriate in using the word “balls”.
- Complainants’ were concerned that one man in the advertisement was ridiculed due to his race.
- Complainants’ were concerned about the advertisement being discriminatory and vilifying towards men, concerned that the reference to genitals as objects (such as rissoles or avocados) was distasteful, and considered that it would not have been broadcast if the same advertisement was made for a woman’s issue.
- Complainants’ were concerned about the presentation of the men in their underwear in the advertisement, and that such a portrayal was degrading and exploitative.
- Complainants’ were concerned about the depiction of genitalia and nudity in the advertisement.
- Complainants’ were concerned that the advertisement trivialises the issue of global warming.
- Complainants’ were concerned that the advertisement was misleading as climate change has not been proven.
- Complainants’ were concerned that the advertisement was misleading as not all men experience the issue described in the advertisement.
- Complainants’ were concerned that the advertisement was misleading as the product cannot do what it says it can.
- Complainants’ were concerned that the advertisement could be upsetting to men who have had testicular cancer as the overall impression of the advertisement is one of jest.
- Complainants’ were concerned that the advertisement may be upsetting to victims of sexual assault.

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

The Panel noted that this television advertisement has two versions:

A 30 second version begins with two burning planets in space. A voice over states, "as



our planet heats up mankind is suffering, suffering in his jocks." The screen then shows the planets on a thermal imaging screen being held in front of a man wearing a towel and the words 'Glo-Ball warming detected' appear on the screen. The man holding the imaging machine states, "This is glo-ball warming. It's a man-demic. Sweating up the nether-regions of 3.7 billion blokes". A chef in a kitchen is seen cooking two meatballs in a pan, a welder is shown welding two large metal balls, and a man is seen holding two withered plums and says, "my plums". The man holds the thermal imaging machine to the groin area of a tradie on a worksite. The tradie asks, "so where are they at?" and the man replies, "38.7" and the other tradies laugh. The man holds the imaging machine to the groin area of the chef and says, "I hope you like them well done". A man is then seen standing in a locker room wearing Bonds underwear. The man continues, "Fight glo-ball warming in a pair of Bonds X-temp with ball cooling technology." The welder is seen dipping the two hot metal balls in a tub of water. The man holds the thermal imaging screen to the groin of the man wearing the bonds underwear and the colours on the screen are blue and green. The words "Ball-Cooling activated" appear on the screen. The man nods and says, "Science. Join the fight today."

A 15 second version begins with a welder welding two large metal balls. A voiceover states "Hot planet mean hot balls". A man is then seen standing in a locker room wearing Bonds underwear. Voiceover states "It's time to fight glo-ball warming with with Bonds X-temp. They keep your boys cool, as they should be". The welder is seen dipping the two hot metal balls in a tub of water. The man holds the thermal imaging screen to the groin of the man wearing the bonds underwear and the colours on the screen are blue and green. The words "Ball-Cooling activated" appear on the screen. The man nods and says, "Science. Join the fight today."

The Panel first addressed some complainants' concerns that were not an issue under the Code of Ethics.

The Panel noted the concern that the advertisement would not have been broadcast if the same advertisement was made for a woman's issue. The Panel considered its role is to consider the content depicted in the advertisement, not hypothetical scenarios and that it was unable to consider this aspect of complaints.

The Panel noted the concern that the advertisement was misleading as not all men experience the issue described in the advertisement. The Panel considered that that could be true of many health concerns, however advertisers are legally able to advertise their products and it is not a requirement that the product or service be for something that occurs to all people.

The Panel noted the concern that the advertisement trivialises the issue of global warming. The Panel considered that the advertisement uses a pun to advertise their product, and that referencing an environmental issue was not of itself an issue under the Code.



The Panel noted the concern that the advertisement was misleading as climate change has not been proven. The Panel considered that the topic is one of international conversation, and considered that in the context of this advertisement a reference to a topic of international conversation is not an environmental claim and is therefore not an issue under the Code of Ethics.

The Panel noted the concern that the advertisement was misleading as the product cannot do what it says it can. The Panel considered that the issues of misleading advertising for this product falls under Section 1 of the AANA Code of Ethics and is therefore outside the charter of the Panel.

The Panel noted the concern that the advertisement could be upsetting to men who have had testicular cancer as the overall impression of the advertisement is one of jest. The Panel considered that although some members of the community may find this aspect of the advertisement to be particularly concerning due to their own personal experiences, this is not an issue that breaches one of the issues mentioned in the Code and the Panel is unable to consider this concern.

The Panel also noted complaints that the advertisement may raise concerns around sexual consent, particularly in scenes showing a thermal imaging screen held to a man's groin. The Panel considered that this may be upsetting for people who have experienced sexual assault. The Panel considered that the men are all depicted standing comfortably and do not appear to be in distress when the thermal imaging screen is held over them. The Panel considered that there is no indication that they have not given their consent to be a part of this scene. The Panel recognised that this could be distressing but overall the Panel considered that the advertisement is light-hearted and humorous, and considered that this advertisement is not diminishing the seriousness of sexual assault or condoning sexual assault.

The Panel considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray 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 Panel noted the Practice Note to Section 2.1 of the Code which provides the following definitions:

"Discrimination – unfair or less favourable treatment

Vilification – humiliates, intimidates, incites hatred, contempt or ridicule".

The Panel noted the complainants' concerns that a man in the advertisement is ridiculed due to his race.



The Panel noted the advertiser response that people from several different races are included in the advertisement. The Panel also noted the advertiser response that in his interactions with each man, the host shows genuine concern that they are suffering unnecessarily.

The Panel considered that although one man in the advertisement does have darker skin, he is not shown to be discriminated against and is in fact the focus of the scene. The Panel considered that he is not treated in a vilifying manner and his interaction with the host does not incite hatred, contempt or ridicule.

The Panel considered that the advertisement does not depict the man or his race in a manner that is unfair nor in a manner that would be likely to humiliate or incite ridicule. The Panel determined that the advertisement does not discriminate against or vilify a person or section of the community on account of race.

The Panel noted the complainants' concerns that the advertisement is discriminatory towards men.

The Panel noted that there is legitimate research indicating that higher body temperatures can have an adverse effect on testicular health, and noted that an advertiser is able to focus the advertisement for a product on its usefulness for that issue, provided that advertisement complies with the terms of the Code.

The Panel noted that some members of the community may find references to men's genitals being "well done" and therefore referencing meat to be distasteful, but considered that that is not of itself discriminatory.

The Panel considered that the complainants' concern seemed to be that the issue of testicular heating was being discussed in a humorous manner, or at all. The Panel considered that advertisers are free to use humorous scenarios in advertising, and that the host treats each man in a manner that is not discriminatory or vilifying.

The Panel considered that although the issue of body temperature in the testes is an issue which affects only men, an advertisement aimed at men only is not discriminatory of itself. The Panel considered that the advertisement is light-hearted and humorous, with a play on a current environmental concern.

The Panel considered that the advertisement is representing an issue where men are uncomfortable in their underpants and considered that this representation does not show any man to receive unfair or less favourable treatment. Nor is it a depiction which humiliates, intimidates, incites hatred, contempt or ridicule for the men in the advertisement or men in general.

The Panel considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on



account of gender and determined that the advertisement did not breach Section 2.1 of the Code

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 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 a towel or underwear is a depiction which most people would consider to contain sexual appeal, and that the focus on the mens’ genital region using a thermal imaging screen could be considered 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 men in the advertisement were depicted in a confident manner and that their depiction in underwear or other clothing (such as welders clothing, chefs uniform) was relevant to the product being sold. The Panel considered that there was a focus on the mens’ genital region, however considered that this was through a towel or clothing and a thermal imaging screen and that this focus was directly relevant to the features of the underwear product being promoted. The Panel considered that the men were not depicted in a vulnerable position and were not depicted as an object or commodity.

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 depiction of the men having their genital temperature taken did not lower the character or quality of the men and that the advertisement did not use sexual appeal in a manner that was degrading of the men.



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 considered whether the advertisement contained sex, sexuality or nudity.

The Panel noted the Practice Note for the Code states:

“Images which are not permitted are those which are highly sexually suggestive and inappropriate for the relevant audience. Explicit sexual depictions in marcomms, particularly where the depiction is not relevant to the product or service being advertised, are generally objectionable to the community and will offend Prevailing Community Standards.”

The Panel noted the complainants’ concerns about the depiction of genitalia and nudity in the advertisement, concerns that the placement of the advertisement was inappropriate, particularly the placement during the evenings when many young children would be watching, and that the advertisement had caused children to have many questions about the content of the advertisement.

The Panel considered whether the advertisement 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 considered that the depiction of a man in underwear is not of itself a depiction of sexual intercourse, sexual stimulation or suggestive behaviour and that the advertisement as a whole did not contain sex.

The Panel considered whether the advertisement treated the issue of sexuality with sensitivity to the relevant audience.

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 the style of underwear being promoted was not inherently sexualised, but considered that some members of the community may consider any advertisement featuring people in underwear to be sexualised.

The Panel considered that the depiction of the man wearing this style of underwear was relevant to the product being promoted. The Panel considered that although it is reasonable for an advertiser to depict the product being promoted, the depiction should be treated with sensitivity to the relevant audience. The Panel determined that the advertisement did contain sexuality.

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' is a concept requiring 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 concept of how subtle sexual suggestion is or might be is relevant to the Panel considering how children, and other sections of the community, might consider the advertisement.

The Panel noted that the advertisement received a W rating by ClearAds (not in children's programs) and was aired at a time appropriate to the rating (<https://www.clearads.com.au/storage/final-clearads-handbook-version-ca12.pdf>). The Panel considered that the relevant audience for this advertisement would likely be broad and include children.

The Panel considered that there was no focus on nudity or the men's body and the overall impression of the advertisement was not strongly sexualised. The Panel considered that the men in the advertisement were not posed in a sexualised manner. The Panel considered that while the advertisement may be viewed by a broad audience including children, the images themselves were not overtly sexual. The Panel considered that the advertisement did treat the issue of sexuality in regards to the imagery of the advertisement with sensitivity to the relevant audience.

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 is intended for the Panel to consider the concept of nudity, and that partial nudity is factor when considering whether an advertisement firstly contains nudity and secondly treats that nudity with sensitivity to the relevant audience.



The Panel considered the Practice Note for the Code which provides:

“Full frontal nudity and explicit pornographic language is not permitted. Images of genitalia are not acceptable. Images of nipples may be acceptable in advertisements for plastic surgery or art exhibits for example.”

The Panel noted the complainants’ concerns about the depiction of genitalia and nudity in the advertisement.

The Panel noted that two men in the advertisement are shirtless and wearing only a towel or underwear, however considered that most members of the community would not consider a shirtless man to be a depiction of nudity. The Panel considered that no part of their genitalia or gluteal cleft is visible.

The Panel noted that there are visual representations of testes in the advertisement, such as avocados and rissoles, and verbal references such as “my plums” and “your boys”, however considered that although these references may be strongly indicative of testes, they are not a depiction of nudity.

The Panel noted that a thermal imaging screen is used to show a man’s testes. The Panel noted the advertiser’s response that this is similar to an advertisement for a digestive aid using a visual representation. The Panel considered that the thermal image representation is not graphic or explicit.

The Panel noted that there were several references to “plums” “meatballs”

Overall, the Panel considered that the advertisement did not depict nudity.

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.

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 complainants’ concerns that the use of the word “balls” was offensive and inappropriate for an audience which would include children.

The Panel noted that the advertisement received a ‘W’ classification from Free TV, and could be aired in any timeslot excluding children’s programming.

The Panel noted the Practice Note to Section 2.5 which states:

“Words and phrases 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). Examples are “bugger”, “shit”, “pissed off”, “crap”, “bloody”, “cheap bastard”, “bum”, and “balls”.

The Panel considered that “balls” is not used in an aggressive manner in the advertisement. The Panel acknowledged that some people would prefer not to have any reference to men’s genitals when children can view the advertisement. However, the Panel considered that this was not inappropriate under section 2.4 of the Code. The advertisement’s use of the word “balls” is a colloquial term and although said quite a few times, did not appear inappropriate for the broad audience.

The Panel noted it had previously considered use of the word “balls” in case 0293-12, in which:

“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 suggestive effect of the word, 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.”

Consistent with the previous case and the Practice Note, the Panel considered that the advertisement did not use language which was inappropriate in the circumstances and did not contain strong or obscene language. The Panel determined that the advertisement 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 complaints.