



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0257-20</b>
<b>2. Advertiser :</b>	<b>Hanes Brands Inc</b>
<b>3. Product :</b>	<b>Clothing</b>
<b>4. Type of Advertisement/Media :</b>	<b>Internet</b>
<b>5. Date of Determination</b>	<b>9-Sep-2020</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification  
AANA Code of Ethics\2.3 Violence  
AANA Code of Ethics\2.4 Sex/sexuality/nudity

### DESCRIPTION OF ADVERTISEMENT

This internet advertisement depicts a locker room and a group of men talking. The men are all wearing either a crewneck or turtleneck shirt.

Man 1: Hey. Nice crewneck.

Man 2: Thank you...

Man 3: My dad has a crewneck.

Man 2: Guess we don't see many these days.

Man 4: Back in my day, they were everywhere.

Man 1: Good on you , for uh, getting your neck out there, you know? Um, why hide it?

Man 5: Hey bro, my son has a turtleneck, so our necks looks different. It's no problem.

Man 2: I sometimes worry it makes my neck looks small.

The group disagree.

Man 1: No, no it looks big. Um, did you um, ever have a ah, turtleneck, or...?

Man 2: Oh yeah of course, when I was a boy. Yeah but, my parents, you know. (Makes a throat cutting gesture).

The group winces.

Man 2: But, I'm comfortable. How bout you guys?

The group looks towards each other and nod/agree.

Text on screen states: Comfy undies for turtlenecks and crewnecks. Bonds.



## **THE COMPLAINT**

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

*Genital mutilation is no laughing matter -- whether the victim happens to be male or female. As such, this ad is deplorably sexist. It normalises sexual violence against males. Non-consensual, non-therapeutic male circumcision (i.e., practically all cases) is a violation of human and children's rights. This ad sets back the struggle to end this barbaric practice, and makes light of a gravely serious issue.*

*Further comments:*

*Your new Bonds ad is deeply offensive to those of us engaged in the struggle to end the barbaric practice of genital mutilation. Through a series of highly inappropriate innuendos, your ad effectively normalises the unlawful, unethical and psychosexually harmful practice of (non-consensual, non-therapeutic) male circumcision.*

*Genital mutilation — whether the victim happens to be male, female or intersex — is a grievous act which violates a cluster of human and children's rights. For a significant number of survivors, non-consensual, non-therapeutic male circumcision entails pain, trauma, and lifelong psychosexual harm. Genital mutilation is no laughing matter, but in your work you even make light of the non-consensual nature of the surgery. Would you dare do so if the object of surgery were not the male penis?*

*There is currently no legal or bioethical basis for the practice of non-consensual, non-therapeutic male circumcision. Puncturing any part of the skin — much less amputating healthy, functional, erotogenic tissue — is deemed at common law an act of wounding and bodily trespass. As things stand, the law merely turns a blind eye to the routine violation of human and children's rights — including the male child's right to physical integrity; his freedom from torture as from cruel, inhuman and degrading treatment; his freedom of religious thought and belief; and indeed, in an age of biotechnological exploitation, the child's right to property (infant foreskins being harvested for lucrative commercial purposes such as beauty creams).*

*Would your agency dare even consider making light of female genital mutilation (FGM)? I think not. As such, your ad is deplorably sexist. It reinforces cultural fallacies regarding male sexual function and anatomy, in effect normalising non-consensual, non-therapeutic mutilation of male (and only male) genitalia.*

*The struggle for universal genital autonomy — on behalf of male, female and intersex children alike — is impeded by such trivialisations. The ad is hurtful to survivors dealing with the dysfunction and trauma born of this medically unnecessary procedure. Your agency would do better to join with progressive forces in making the world less prone to sadistic acts of gender-based violence perpetrated on society's most vulnerable.*



*Legally, ethically, and politically, your ad fails to meet basic criteria of appropriateness. I suggest your advertisement carry a “trigger warning” for those still embroiled in the welter of negative emotions associated with non-consensual, non-therapeutic genital mutilation. I also recommend that you seek legal counsel regarding the subject matter of this ad.*

## **THE ADVERTISER’S RESPONSE**

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

*We write on behalf of our client, Bonds (Hanes Brands), in response to complaints against the Turtlenecks/Crewnecks Men’s Underwear campaign, specifically relating to the following section of the AANA Code of Ethics:*

- 2.1 - Discrimination or vilification*
- 2.2 - Exploitative and degrading*
- 2.3 - Violence*
- 2.4 - Sex, sexuality and nudity*
- 2.5 - Language*
- 2.6 - Health and Safety*

*By way of context, Bonds is a brand that Australians have known and loved for over 100 years and is primarily renowned for its range of men’s and women’s underwear. Bonds is a progressive brand, and proud of the categories it operates in. Bonds would never want to offend the Australian consumer or their families.*

*Bonds launched their latest Men’s Underwear campaign on 9th August, 2020. The campaign is titled ‘Turtlenecks and Crewnecks’ and is the latest in a long line of Bonds ‘Very comfy undies’ communications. The campaign is being broadcast on Kayo Sports and across Bonds owned channels (social, website & in-store).*

*The campaign features a series of films and still images depicting men in Bonds undies. Some of the men are wearing Turtleneck jumpers, some are wearing Crewneck jumpers. In the films, we hear the men discussing their different types of ‘necks’ and how comfy they feel in them. All of the men agree that whatever type of ‘neck’ you have, you can feel comfy in Bonds.*

*Turtlenecks and Crewnecks are metaphors for the anatomical differences between men that are circumcised and those that are un-circumcised. It’s a difference that no other underwear manufacturer has yet catered for, but one that Bonds believes can be an important differentiator and one that men should consider when choosing underwear. Those who are circumcised may prefer undies with a little extra padding for example, while those who are uncircumcised may be happy without extra padding.*

*Importantly, the campaign doesn’t judge men who are circumcised or uncircumcised, nor does it state a preference for one or the other. It simply highlights the difference*



*that exists and states that no matter what you have, or don't have, Bonds has comfy undies for all.*

*In regards to complaints that have been made to the ASB regarding sections 2.1 – 2.6 of the AANA Advertiser Code of Ethics, we take the opportunity to refute these as follows:*

*In reference to sections 2.1 and 2.2, we strongly disagree that the 'Turtlenecks/Crewnecks' campaign discriminates, vilifies, exploits or degrades men. The intention of the campaign is to get men thinking about their undies more, not to stereotype or offend men in any way. Bonds want men to understand that the right pair of undies can provide support, comfort and breathability and that thinking a little more deeply about their choice of underwear is important. Men's anatomies play a key role in the size and style of underwear that will give them most comfort. The campaign doesn't single out Turtlenecks or Crewnecks as better or worse than one another, it doesn't make fun of either camp, instead it recognises and celebrates the real anatomical differences that exist between men and promotes comfort for all.*

*In reference to section 2.3, the campaign in no way depicts or promotes violence. The complaint that's been made suggests that the campaign normalises genital mutilation, but that is not the case. Bonds would never condone or support non-consensual circumcision, and the campaign makes no reference to that subject-matter. The campaign merely acknowledges that it is a fact of life in Australian society that some men are circumcised, and some are not. Statistics show that the proportion of Australian men who are circumcised is declining, but In Bonds view that doesn't make it a good thing or a bad thing, nor does the campaign make any comment to that effect.*

*In reference to section 2.4 and 2.5, 'Turtlenecks and Crewnecks' are a metaphor for men who are circumcised and men who are not. That difference is depicted in a light-hearted and non-graphic way via the use of different jumpers. We don't believe there is any potential for a sexualised outtake.*

*In reference to sections 2.6, we believe this section to be irrelevant to this campaign as the 'Turtlenecks and Crewnecks' campaign in no way represents a danger to health and safety.*

*We trust upon receiving the campaign work and our written response that you will agree that the Bonds 'Turtlenecks and Crewnecks' campaign 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 noted the complainant's concern that the advertisement:

- Normalises the unlawful, unethical and harmful practice of male circumcision
- is sexist
- normalises sexual violence against males and makes light of a serious issue
- is hurtful to survivors dealing with the trauma of this medically unnecessary procedure
- uses a series of highly inappropriate innuendos.

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

The Panel noted the advertiser's response that the campaign doesn't judge men who are circumcised or uncircumcised, nor does it state a preference for one or the other.

The Panel first addressed the complainant's concern that the advertisement normalises the unlawful, unethical and harmful practice of male circumcision. The Panel noted that this is not an issue under the Code and that it was unable to consider this aspect of the complaint.

The Panel then considered Code issues.

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 the advertisement is sexist in its acceptance of male circumcision.

The Panel considered that the advertisement does not treat either the group of circumcised or non-circumcised men in a manner that is unfair nor in a manner that would be likely to humiliate or incite ridicule.

The Panel considered that the topic of circumcision itself is not discriminatory or vilifying although some members of the community would prefer not to have this type of issue referred to publicly.

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 determined that the advertisement did not breach Section 2.1 of the Code

The Panel considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Panel first noted complainant's concerns that the advertisement normalises sexual violence against males, makes light of a serious issue and is hurtful to survivors dealing with the trauma of this medically unnecessary procedure.

The Panel noted that the advertisement referred to circumcised and uncircumcised men using the analogy of turtlenecks and crewnecks. The Panel considered that the advertisement did not take a moral position on the issue of circumcision and there was no direct reference to the procedure.

The Panel noted the point in the advertisement where one man is asked if he ever had a turtleneck and he responds, "Oh yeah, of course, when I was a boy. Yeah but, my parents, you know..." and he makes a gesture in front of his throat with his hand and whistles. The Panel noted that the rest of the men react by wincing.

The Panel noted that this was a reference to the circumcision procedure but that the procedure itself was not shown. The Panel considered that the content of the advertisement itself did not present or portray violence.

The Panel acknowledged that some members of the community would find the allusion to circumcision to be confronting, however considered the content of the advertisement itself was not directly referring to or condoning the procedure.

Overall, the Panel considered that the advertisement did not contain violence and therefore was not breach Section 2.3 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 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 considered that the advertisement featured innuendo about turtlenecks and crewnecks and considered that while this was a reference to male anatomy it was not sexual in nature. The Panel considered that the advertisement did not contain sex.



The Panel considered whether the advertisement featured 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 itself a relevant depiction of sexuality.

The Panel considered that the advertisement uses innuendo to refer to male genitalia and that this is a direct reference to a sexual characteristic of males. The Panel considered that the advertisement featured 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 is intended for the Panel to consider the concept of nudity, and that partial nudity is factor when considering whether an advertisement treats nudity with sensitivity to the relevant audience.

The Panel noted the advertisement featured a group of men in a locker room wearing underwear and long sleeve shirts. The Panel noted that the men's genitals are covered. The Panel considered that some members of the community may consider a depiction of men wearing only underwear to constitute 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 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 some sections of the community, such as children, might perceive the advertisement.

The Panel noted that the advertisement had been viewed by the complainant on the advertiser's YouTube channel. The Panel considered that the audience for this medium would be limited to those interested in following the Bonds brands on YouTube and that this audience would be mostly adults.

The Panel noted that the advertisement uses light-hearted innuendo to promote a product which is comfortable for both circumcised and uncircumcised men. The Panel noted that the advertisement uses the reference to turtlenecks and crewnecks and



that there is no direct reference to circumcision or male genitalia. The Panel considered that the advertisement was subtle in its references to the male anatomy and that the innuendo used in the advertisement would not be confronting or inappropriate for viewing by a mostly adult audience of people looking at the Bonds' YouTube channel.

The Panel considered that it is reasonable for an advertisement about underwear to feature men wearing the product. The Panel considered that the level of nudity in the advertisement was mild and was not inappropriate for viewing by a mostly adult audience of people looking at the Bonds YouTube channel.

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

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