



Case Report

1	Case Number	0344/17
2	Advertiser	The Man Shake
3	Product	Health Products
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	09/08/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts three men at a bar talking about The Man Shake and using hand gestures to mimic the manner in which the shake should be drunk.

THE COMPLAINT

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

I found this advertisement inappropriate given the time-slot it was aired. Because this advertisement was aired during the Sunday Afternoon NRL football, it would seem that consideration should be given to families and especially children viewing at this time. The repeated, and not so subtle references to masturbation were not appropriate. This commercial contains obvious sexual references which I believe should not be aired - especially in this time-slot. I hope that you can see the sense in keeping this time-slot family-friendly and devoid of sexually saturated content. Many thanks

THE ADVERTISER'S RESPONSE

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

We are responding to a complaint made to the Advertising Standards Bureau in regard to our TV commercial broadcast on Monday 23rd July on Channel Nine.

The complaint outlined that the advertisement was 'inappropriate given the time slot it was aired'. We can assure you that the TVC has gained approval from the governing body for advertisement issued by Commercials Advice Pty Ltd, a body that plays an active role in monitoring the marketing and advertising of inappropriate material.

Please see below relevant CAD approval numbers:

CAD reference number: 1166904

TMS1700130TV W4GC9FOA THE MAN SHAKE 30 W

TMS1700315TV W4GCAFOA THE MAN SHAKE 15 W

TMS1700230TV W4GCBFOA THE MAN SHAKE 30 W

TMS1700415TV W4GCCFOA THE MAN SHAKE 15 W

We can assure you that the owner of The Man Shake and producer of this TVC in no way shape or form, intended for this TVC to be inappropriate, or as addressed by the complaint 'devoid of sexually saturated content'.

The complaint outlined the 'repeated and not so subtle references to masturbation were not appropriate'. This was not the intention, the hand gestures made by the actors in the TVC, both high profile sports personalities, Paul Roos and Merv Hughes, were mimicking the manner in which you consume The Man Shake, a meal replacement in the form of a shake. One must mix part water with part The Man Shake powder and shake the container, the hand gestures and references to 'shaking it' were merely in relation to how to use The Man Shake.

If you believe there to be sexual undertones in relation to masturbation this was not the intention and we do believe that children should not interpret this as inappropriate or sexually derived.

We are regretful that you have interpreted this as not being appropriate in its given time slot. We can ensure you that we will continue to go through the correct governing bodies and procedures with any future marketing material to ensure they meet the correct guidelines and standards for advertising on commercial television.

Thank you for contacting us with your concerns, we are happy to discuss this further if need be.

THE DETERMINATION

The Advertising Standards Board (the "Board") considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the "Code").

The Board noted the complainant's concerns that the advertisement makes references to masturbation and is not appropriate to be viewed by a family audience.

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

The Board 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 this television advertisement features three men promoting meal replacement drink called The Man Shake and using hand gestures are used to mimic the shaking of the drink.

The Board noted the complainant’s concern that the advertisement features references to masturbation.

The Board noted that the phrase ‘manshake’ can be a reference to a man’s firm handshake as well as to a man’s actions in shaking off the drops after urination (<http://www.urbandictionary.com/define.php?term=manshake>) but considered that in this instance the name of the advertised product is Man Shake and in the Board’s view the advertisement makes it very clear that this is what is being advertised.

The Board noted that one of the men makes a hand gesture at the start of the advertisement and considered that whilst this gesture could be interpreted as a masturbation gesture the Board considered that the full gesture is not shown and it is immediately made clear that this hand gesture is mimicking the shaking of the advertised drink prior to consumption.

The Board acknowledged that some members of the community would interpret the advertisement as making a reference to masturbation but considered that the level of double entendre is very mild and would not be understood by children. The Board noted that the advertisement does not contain any strong sexual references or language and considered that overall the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience which would include children.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

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