

Decision of the ADVERTISING REGULATORY BOARD

Advertiser	Swing Daddy
Consumer/Competitor	Consumer
File reference	4420 – Swing Daddy
Outcome	Dismissed
Date	26 January 2026

The Directorate of the Advertising Regulatory Board has been called upon to consider a consumer complaint against the Advertiser's Facebook and Instagram posts.

Description of the advertising

The Complainant provided screenshots, from which the following images were extracted:



Complaint

The Complainant submitted that some of the items/accessories and clothing have penises, naked breasts and explicit sexual innuendos printed on them, which is irresponsible. The Complainant argued that should one wish to wear or advertise this, it should not be public. Adult content should be better managed.

Response

Snyman Leaker Williams Attorneys, on behalf of the Advertiser, submitted that its business is distinguished by the humorous use of puns and play on golfing superstitions. There are similar businesses across the world who sell such items.

The items to which the Complainant refer appear exclusively under its “Party Polo” section, which requires deliberate action on the part of a browser to locate online. These items are not advertised by paid advertisement channels to the general public. In any event, the Advertiser argues that the imagery is neither explicit nor graphic, and features cartoon-style content that is clearly intended to be humorous.

Many of its items have been selling extremely well since it first started trading in 2020, which indicates public approval and suggests that the typical customer understands the intention and obvious humour. It added that not a single complaint has been received from any golf course about its clothing and golfing paraphernalia.

The Advertiser stated that the Complainant’s objection to what people wear in public is her personal opinion. It is unreasonable to expect people to stop wearing specific clothing simply because one person does not like it.

Application of the Code of Advertising Practice

The Directorate considered the following provisions of the Code as relevant to this dispute:

- Clause 1 of Section II (Offensive advertising)
- Clause 14 of Section II (Children)

Decision

Having considered all the material before it, the Directorate of the ARB issues the following finding.

At the outset, it should be noted that the ARB has no jurisdiction over actual products. At least part of the Complainant's concern appears to relate to the actual shirts and other items worn by people who bought them from the Advertiser. This is not something that the ARB can control.

The ARB can only consider advertising content and will, therefore, limit its consideration to the social media posts submitted by the Complainant.

Clause 1 of Section II states, *inter alia*, that:

“Advertisements should contain nothing that is likely to cause serious or wide-spread or sectoral offence. The fact that a particular product, service or advertisement may be offensive to some is not in itself sufficient grounds for upholding an objection to an advertisement for that product or service. In considering whether an advertisement is offensive, consideration will be given, inter alia, to the context, medium, likely audience, the nature of the product or service, prevailing standards, degree of social concern, and public interest.”

The Directorate acknowledges that the examples provided by the Complainant rely on innuendo and contain cartoon imagery of, *inter alia*, penises and stick figures in various sexual positions. However, the Directorate also agrees that these images are not graphic, and are stylised in a manner that lends itself to humour, rather than pornography, or adult content as the Complainant phrased it.

The Directorate also notes that, according to the Advertiser, these items are not typically advertised to mass audiences or the general public, but appear only on its company website and social media pages, where people have to actively choose to follow them or view the content. In addition, the Directorate notes that these items appear to constitute a fraction of the items typically seen on the Advertiser's social media. Other examples include cartoon images of characters or personalities such as Homer Simpson, Donald Trump, and pop-culture or nostalgic references to movies such as The Mighty Ducks and Happy Gilmore, along with quips about golf as a sport.

The Directorate is, therefore, satisfied that the average person who visits the Advertiser's website or browses its social media content would be someone who is likely a golf enthusiast, and subscribes to the same type of humour as that of the Advertiser.

Given this, and given that the images are not graphic, do not feature any real genitalia or naked people, but rather comical cartoon depictions, the Directorate is not convinced that the

advertising to which the Complainant has objected is likely to cause serious, widespread, or sectoral offence in a manner that the Code seeks to prevent.

As such, the Directorate does not believe that the examples submitted by the Complainant are in breach of Clause 1 of Section II of the Code.

Clause 14 of Section II deals with advertising and its likely impact on children. Its stated objective is to prevent advertisers from creating an impression that unsafe circumstances are safe, or that encourage them to emulate behaviour that could lead to physical, moral or mental harm. Furthermore, it seeks to prevent advertisers from exploiting the natural credulity of children, and from portraying children as sexually appealing.

The Complainant's allegations do not appear to relate to the general provisions of Clause 14 of Section II in broad terms. However, she did express concerns that children who see these items of clothing might be harmed by them, presumably from a moral perspective.

As noted above, the information before the Directorate suggests that the advertisements in question only appeared on the Advertiser's social media pages and website, which are unlikely to be frequented by impressionable children. While the Directorate acknowledges the Complainant's concerns that such clothing, when worn in public, might not necessarily be appropriate for children, it should be emphasised that this falls outside the scope of the ARB, as it pertains to actual clothing, and not advertising.

Given that the products in question do not appear to be advertised to the broader public in a way that would likely reach children, and given that the products category (golf clothing and apparel), and by inference the advertiser's social media content is unlikely to be appealing to children or attract their attention, the Directorate is satisfied that the advertising in question is not likely to cause mental, moral, or physical harm to children in a manner that the Code seeks to prevent.

The advertising at issue is, therefore, not found to be in breach of Clause 14 of Section II of the Code.