



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0047/15</b>
<b>2</b>	<b>Advertiser</b>	<b>Universal Pictures</b>
<b>3</b>	<b>Product</b>	<b>Entertainment</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>25/02/2015</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

There are two versions of the television advertisement for the Fifty Shades of Grey movie. Both versions (30 seconds and 15 seconds) feature scenes from the movie including the female actor interviewing the male actor, flying in an aeroplane and a dinner party. The final scene shows the man and woman embracing with the woman's arms raised above her head.

### THE COMPLAINT

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

*Inappropriate time slot.*

*Sexual/suggestive nature of ad during daytime viewing.*

*I truly wish all adult themes including news items can be broadcasted after 7PM or at the very least not WITHIN programs rated as general; it makes for stressful viewing on 7 when you are a responsible, caring parent!*

### THE ADVERTISER'S RESPONSE

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

*We can confirm that the Fifty Shades of Grey TVC did adhere to the Free TV Australia classification restrictions. All TVCs were processed through their classification regularly body CAD prior to being dispatched to run on air and received J or T classification according to the nature of the material and the MA rating of the film.*

*Home and Away is a PG classified program, and is able to run J classified TVCs in break.*

*Tennis is treated as PG programming by Channel 7, and is able to run J classified TVCS.*

## **THE DETERMINATION**

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Board noted the complainants’ concern that the advertisement features sexually suggestive adult material which is not appropriate for viewing by a broad audience which would include children.

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

The Board 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 Board noted this advertisement is promoting the movie, “Fifty Shades of Grey” and features some scenes from the movie.

The Board noted the complainant’s concern regarding the ‘BDSM’ theme of the advertisement. The Board noted the final scene shows the main characters in an embrace with the woman’s arms raised above her head and the man’s hand resting against the side of her head. The Board noted that the movie contains consensual sexual themes but considered that the advertisement itself does not depict any scenes or images which would encourage or promote sexual violence, consensual or otherwise and that the final image is suggestive of a couple in a sexual position but that the woman’s hands are not visible so we cannot see if they are bound or not.

The Board considered that the advertisement did not present or portray violence.

The Board determined that the advertisement did not breach Section 2.3 of the Code.

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 the movie is based on a contemporary novel which most members of the community would be familiar with as being an adult book about a sexual contract between a man and woman and containing sexually explicit content. The Board noted that some of the complainants were concerned about the promotion of an adult themed product during times when children would be watching television. The Board noted that the advertisement had been rated ‘J’ by CAD which means it is a PG style advertisement for an ‘M’ or ‘MA’ movie and can therefore be aired in PG programming and timeslots.

The Board noted the content of the advertisement and considered that the scenes chosen were relatively mild given the nature of the movie. The Board noted that there is no explicit nudity, no sex scenes and whilst we see the main character wearing a blind-fold this scene is very fleeting and is only mildly sexualised.

The Board acknowledged that some members of the community would prefer that this type of movie was not promoted on television at times when children could view it but considered that overall the content of the advertisement was not inappropriate in the context of the relevant broad audience.

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 complaints.