



# Case Report

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|----------|--------------------------------------|---------------------------|
| <b>1</b> | <b>Case Number</b>                   | <b>0051/15</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>Transport</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

This promotional material for the movie Fifty Shades of Grey features three different versions:

1. A woman with her eyes closed and her arms raised above her head is about to be kissed by a man who has his hand resting against the side of her head. The text reads, "Lose control".
2. Image of a man wearing a black suit and white shirt holding a grey tie His head is cropped so we can't see his eyes.
3. A woman's face from the nose down. She is biting her lip and the text reads, "Curious?"

## THE COMPLAINT

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

*I feel that a school bus is the incorrect place to advertise a MA classified film.*

## THE ADVERTISER'S RESPONSE

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

*The complainant has accused the creative of nakedness and provocative language. In reviewing the artwork, there are no inappropriate body parts shown or evidence of explicit language.*

*Please find the direct statement from APN:*

*APN self-regulate creative based upon the guidelines of our commercial contracts and as far as we are concerned on this front, the 50 Shades of Grey Creative did not breach any of these guidelines.*

## **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 complainant’s concern that the advertisement contains nudity and provocative language and is not appropriate for placement on the side of a school bus.

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 the advertisement is for the ‘Fifty Shades of Grey’ movie and that there are three different versions of the advertisement. The Board noted that the complainant had not specified which version they had viewed on the school bus.

The Board noted the complainant’s concerns that the advertisement contains nudity.

The Board noted it had previously considered the first version of the advertisement featuring a man and woman in case 0049/15 where:

“The Board noted that whilst the man and woman appear about to kiss they are not actually kissing. The Board noted that the man and woman are both clothed and considered that the only sexually suggestive material is the name of the movie as many people would be aware of its theme. The Board noted that some members of the community would prefer that this type of movie not be advertised outdoors but considered that the content of the advertisement itself is very mild and not inappropriate for a broad audience which would include children.”

Consistent with its previous determination the Board considered that this version of the

advertisement did not contain nudity and that it did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which would include children.

The Board noted the second version of the advertisement which features a man holding a tie in his clenched fist. The Board noted the man is wearing a suit and shirt and considered that this image does not contain nudity.

The Board noted the third image which features a woman biting her lip. The Board noted that the woman's face takes up most of the advertisement and whilst her neck is visible she is wearing a black top. The Board considered that this version of the advertisement does not contain any nudity.

The Board noted the complainant's concern regarding the provocative language used. The Board noted that the advertisements all feature the name of the movie and considered that whilst some members of the community would prefer this movie to not be advertised the words, 'Fifty Shades of Grey' are not of themselves provocative or inappropriate. The board noted that two of the advertisements contain the words, 'Lose control' or 'Curious' and considered that these words are ambiguous and open to interpretation and that their use in the context of the movie posters was not inappropriately provocative.

The Board considered overall that the advertisement does treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad 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.