



Case Report

1	Case Number	0061/16
2	Advertiser	Twentieth Century Fox Film Distributors Pty Ltd
3	Product	Entertainment
4	Type of Advertisement / media	Transport
5	Date of Determination	24/02/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.5 - Language Inappropriate language

DESCRIPTION OF THE ADVERTISEMENT

This transport advertisement features the fictional Marvel Comics character Deadpool who is covered from head to toe in a red suit. He is pictured on a white background wearing a backpack with one finger to his lips and the other on his buttocks in a cheeky pose. The tagline for the film is featured next to him: "Bad Ass. Smart Ass. Great Ass." The film's title DEADPOOL and release date is also referenced. At the time the artwork was produced the film was not yet rated so the "check the classification" orange box appears prominently on the bottom left hand of the artwork.

THE COMPLAINT

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

It is disgustingly provocative with explicit language clearly visible. My children now know/say explicit words and phrases.

The picture is of a man (Deadpool) standing in a sexual way with his backside pointing out and the word 'Ass' clearly visible in three phrases in each add. Children should NOT be viewing such material especially on a council bus.

If your child's school principal shouldn't say it from the front of an assembly, it shouldn't be

sprawled over outdoor advertising which is impossible to avert my children's eyes from on our way to school.

THE ADVERTISER'S RESPONSE

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

As requested the following is in direct reference to the remaining parts of Section 2 of the Australian Association of National Advertisers (AANA) Code of Ethics.

2.1 Discrimination or vilification

The artwork in no way discriminates or vilifies any person or section of any community with regards to race, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief. In the artwork featured, the character's face is covered by a mask as he is a superhero. No nationality, gender, age, sexual preference, religion, disability, mental illness or political belief is referenced in any way.

2.2 Exploitative and degrading

The artwork in no way employs sexual appeal in a manner that is exploitative or degrading. The artwork is cheeky in nature and not overtly sexualised.

2.3 Violence

The artwork used does not present or portray violence. Although a gun is featured it is clearly featured in a holster, untouched and inactive.

2.4 Sex, Sexuality and nudity

The artwork references sexuality with sensitivity. The artwork itself is cheeky not sexualised. The character is covered from head to toe and is not in an overly provocative position.

2.5 Language

We created this advertisement to generate awareness for the film DEADPOOL and as such the artwork had to be in the tone of the film and had to represent the humour of the film.

We abide by the Australian Government Classification Board's course language guide for the classification for films. According to the guide, the word "ass" is considered to fall under the category of parental guidance (PG).

According to the Australian Government's classification guidelines, content that is classified PG is mild in impact.

According to the Australian Association of National Advertisers (AANA) under section 2.5 "advertising or marketing communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided."

The advertisements use of the word “ass” is clearly in reference to the buttocks of the character featured in the advertisement and is used in a comical way in alignment with the characters humorous pose. The word is not broadly considered an obscene word and is not used in an aggressive or lewd way.

Although we are using the word “ass” for its more colloquial meaning to describe a person’s buttocks, the word can also be used to refer to a donkey or a person behaving in a foolish manner. These are outlined as official definitions in the Cambridge Dictionary. Thus, children can be exposed to this word, and its various meanings, in a variety of contexts which limits the perception of the word as a profanity.

2.6 Health and Safety

The artwork does not feature anything that is in opposition to the prevailing community standards on health and safety.

In addition to abiding by all codes set out by the AANA Codes of Ethics we have also ensured that we are well within the AANA Code for Advertising and Marketing Communications to Children in the production of this advertisement. We were mindful of the fact that although the film is not targeted towards children, that they may see the advertisement through out of home channels and when they visit cinema foyers. This advertisement upholds all of guidelines established in section 2 of this code.

In sum, the artwork used for this advertisement abides by all of the codes and guidelines established by the AANA Code of Ethics and the AANA Code for Advertising and Marketing Communications to Children and therefore, should withstand the two complaints received.

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 a sexualised image and inappropriate language.

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

The Board then 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 that this transport advertisement promoting a new movie, Deadpool, features an image of the main character and the text, “Bad ass, Smart ass, Great ass”.

The Board noted the complainant’s concern that the character, Deadpool, is standing in a “sexual way”. The Board noted that Deadpool is a male character based on a Marvel cartoon character and that he wears a full body suit with white slits for his eyes. The Board noted that Deadpool is depicted in the advertisement with his back to the viewer and looking over his

shoulder with one finger pressed to his mouth area and his other hand resting at the top of his left thigh. The Board considered that Deadpool's pose is referencing a cheeky, sexy pose of female models and that the focus on his bottom was of reference to the phrase, "Great ass". However the Board considered the character Deadpool is fully clothed and the pose by him is not sexualised.

The Board considered that the complainant's interpretation of the advertisement featuring a sexualised image is an interpretation unlikely to be shared by the broader community.

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

The Board considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: "Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided".

The Board noted the complainants' concerns over the repeated use of the word, "ass" in the advertisement. The Board noted that whilst "ass" is still a word that most children would be discouraged from using the Board considered that it is a word which is generally perceived to be mild by the broad community and is often used as a softer and less offensive version of the word, "arse". Consistent with previous determinations regarding the use of the word 'ass' in an advertisement in cases 0057/13, 0387/13 and 0244/14 the Board considered that "ass" is part of the common Australian vernacular.

The Board noted the repeated use of the word, "ass" in the advertisement but considered that the manner in which the word is used is not sexualised, strong or obscene.

Overall the Board considered that the advertisement did use language which was appropriate in the circumstances and determined that the advertisement did not breach Section 2.5 of the Code.

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

