



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0065/18
2	Advertiser	Universal Pictures
3	Product	Entertainment
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	21/03/2018
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

- 2.2 - Objectification Exploitative and degrading
- 2.3 - Violence Causes alarm and distress
- 2.3 - Violence Graphic Depictions
- 2.3 - Violence Violence
- 2.3 - Violence Weapons
- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.4 - Sex/sexuality/nudity S/S/N - nudity

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features scenes for the movie '50 Shades Freed'.

THE COMPLAINT

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

Just don't think it's appropriate to be showing the sex scene in this ad so early in the evening. The scene shows a woman tied up, wearing lingerie and a blind fold while a man suggestively touches her. This is not appropriate for young eyes to be seeing.



The advertising for this "adult" Movie - Fifty Shades Freed - Rated MA with Sexuality is showing in the morning.

This is NOT age appropriate for young children, there are scenes from this movie showing the male character having a shower and other implying scenes. This is NOT ok for children to watch!

Advertising showing strong sexual references, violence, bondage suggestions, a knife and a girls throat - all during a children's time slot.

During normal daylight/Family viewing hours, it is not ok to air adverts with sexual content and clear threats of violence, including bedroom scenes that depict bondage/nudity/holding whips on a woman's neck/ holding a knife to someone's throat. My four young children got more than we ever hoped to expose them to from an advert that was clearly M rated in content during family viewing hours. I am asking that you please restrict airing of this ad until late evening hours as this ad is not and should not be intended viewing for children.

THE ADVERTISER'S RESPONSE

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

The below response is in relation to the complaints received regarding the UNIVERSAL PICTURES advertising for FIFTY SHADES FREED, specifically in regards to the TVC advertisements depicting sex/nudity/violence which has caused offence to some viewers.

Universal Pictures International Australasia adhere to the AANA Advertiser Code of Ethics.

Section 2.3 & 2.4 of the Code states "Advertising or Marketing Communications shall not present or portray sex/nudity/violence unless it is justifiable in the context of the product or service advertised."

Fifty Shades Freed is a romantic film which contains numerous scenes which are 'sexy' in nature. It would therefore be reasonable to justify that our advertising materials have been produced within the context of the product being advertised.

Universal Pictures strive to advertise films of this content in a manner that remains appropriate for all consumers.

All advertising content from Universal Pictures is broadcast on FTA TV once rated by the Commercials Advice Board which is industry compliant with the advertising standards code of conduct.



To ensure due diligence, prior to activity going live IMD (on behalf of Universal Pictures) liaises with CAD to obtain approval on the FIFTY SHADES FREED TVC spots.

Universal Pictures produced a number of TV spots for the FIFTY SHADES FREED TV campaign and each spot was classified by CAD - the TV spots in question received a J rating (attached).

In this instance, we obtained CAD clearance to display the advertisement according to the guidelines provided for a J rating.

The following approval was obtained by Universal Pictures from CAD:

Parental Guidance/Warning "J" Definition: Parental Guidance Recommended/Care in placement May be broadcast at any time of day, except during P and C programs or adjacent to P or C periods. Exercise care when placing in programs principally directed to children

The above CAD guidelines were adhered to and the spot was cleared for broadcast at any time of day except in P or C rated programming.

Universal Pictures and MediaCom exercised care with the planning and selection of the TV schedule and focused on programming that skews 18+.

Please also note that all advertising materials for this film have displayed the CTC (Check the Classification) logo for the required duration.

We apologise for any distress caused and would like to reassure all parties involved that we have adhered to all required standards and the industry code of conduct in relation to the advertising materials and placements for this film.

THE DETERMINATION

The Ad Standards Community Panel ("Panel") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Panel noted the complainants' concerns that the advertisement features sex and violence which is inappropriate for a broad audience which would include children.

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

The Panel noted that there were two versions of this television advertisement which



featured scenes from the movie 50 Shades Freed. The Panel noted that the movie being promoted was the final in a series of movies with a strong sexual theme.

The Panel noted the first version had been given a 'J' rating by CAD (parental guidance recommended and not in children's programs) and was aired at a time appropriate to the rating (http://www.freetv.com.au/media/CAD/Placement_Codes.pdf).

The Panel noted the second version had been given a 'P' rating by CAD (parental guidance recommended and not in children's programs) and was aired at a time appropriate to the rating (http://www.freetv.com.au/media/CAD/Placement_Codes.pdf).

The Panel considered the 'J' version which included scenes such as: the couple kissing in an elevator, the couple sitting on the floor with the woman's hand pressed against the man's chest, silhouettes of the couple swimming through the water at night, the man sitting on the ground in front of the woman kissing her leg, the woman looking upset when receiving a phone call from another man, the woman tucking a gun into the back of her pants, the woman hiding in a house while a man is seen walking past in the background, one man punching another, the woman sitting crossed legged on the ground wearing a corset in a room full of whips while the man walks around her, the woman's chin being lifted up by a whip, the woman being attacked from behind and having a knife held to her throat.

The Panel considered the 'P' version which included scenes such as: a wedding scene, a man and woman talking in an office, a man in the shower with a woman's arm wrapping around his torso, and a blindfolded woman tied to a rack being kissed by a man with his hand around her throat.

The Panel considered whether the advertisement's two versions were in breach of Section 2.2 of the Code. Section 2.2 of the Code states: "Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people."

The Panel noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:

Exploitative - purposefully debase or abuse a person for the enjoyment of others, lacking in moral, artistic or other values

Degrading – lowering in character or quality a person or group of people.

The Panel noted that in order to breach this Section of the Code the images would need to be using sexual appeal in a manner that is considered both exploitative and degrading.



The Panel noted the complainants' concerns that the image featured sexualised images of a woman who was in a degrading situation.

The Panel considered the scenes in the 'J' version in which the woman appeared in the advertisement. The Panel considered in some of these scenes, including a scene where she is sitting on the ground in a room full of whips while wearing a corset, then having her chin raised by the whip, and a scene where the woman is sitting in a chair and the man is kissing her leg, the woman is shown in a sexualised manner.

The Panel considered the scenes in the 'P' version in which the woman appeared in the advertisement. The Panel considered in some of these scenes, including a scene where she is blindfolded and tied to a rack, the woman is shown in a sexualised manner.

The Panel considered that in both versions, while some scenes contained sexual appeal, the woman in the advertisement was shown to be confident and not unduly concerned about her situation and was not depicted in a way which could be considered exploitative or degrading.

The Panel considered that the advertisement did not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.

The Panel determined that the advertisement did not breach Section 2.2 of the Code.

The Panel then considered whether the advertisement's two versions were 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 Panel noted the 'J' version featured scenes including the woman hiding in her house while a man walks past in the background, a man punching another man, the woman tucking a gun into the back of her pants and a man holding a knife to the woman's throat.

The Panel noted the complainants' concerns that the advertisement contains clear threats of violence and depicted bondage and sexualised violence. The Panel first considered the scene in the advertisement which depicted the woman sitting crossed-legged on the floor in a corset. A man wearing jeans and holding a whip walks around her. On the wall is a variety of whips.

The Panel considered the level of threat in this fleeting scene to be mild. The Panel considered the woman was not restrained and appeared at ease in that situation. The Panel considered we do not see the man hurt the woman or use the whip and that this scene does not contain violence. Similarly, the Panel considered the scene where



the woman was seen to load a gun and tuck it into her pants to not depict actual violence.

The Panel then considered the scene where a man is seen to punch another man in nightclub. The Panel considered that this scene is very fleeting and while we see the man throw the punch we do not see it land. The Panel considered the level of violence depicted in this scene was mild and that in the context of an advertisement for a movie which contains themes of sexuality and violence this level of violence was justified.

The Panel then considered the scene where a man holds a knife to the woman's throat. The Panel noted that the advertisement depicted a man wearing leather gloves grabbing a woman from behind, pulling her head back and holding a knife to her throat.

The Panel considered that the woman appears scared, the level of threat was high and in combination with the dramatic sound effects this was a depiction of violence.

The Panel considered that although the scene was fleeting the impact of this specific violent scene was not appropriate in the context of advertising a movie to an audience that would include children.

In the Panel's view this particular scene within the 'J' version of the advertisement did portray violence that was unjustifiable in the context of the movie trailer and did breach Section 2.3 of the Code.

The Panel then considered the 'P' version and noted that it featured a scene showing a blindfolded woman tied to a rack being kissed by a man with his hand around her throat.

The Panel considered that the scene was fleeting and the woman did not appear to be in distress or under duress. The Panel considered the woman appeared comfortable and confident and that the suggestion of violence was mild.

The Panel considered that the 'P' version of the advertisement did not breach Section 2.3 of the code.

The Panel then considered whether the 'J' version of 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 Panel noted the complainants' concerns that the advertisement contained highly sexualised and suggestive material that was not appropriate for children to view.



The Panel noted that there was no actual nudity depicted in the advertisement. The Panel considered one scene where a couple was seen swimming in the dark may suggest nudity, however only their silhouettes could be seen and that there were no breasts or genitals visible.

The Panel considered the scene where a woman was seen to be sitting on a chair while a man sat at her feet and kissed her leg. The Panel considered that the way in which the woman tilts her head back and closes her eyes was slightly sexualised but considered that this is a very mild depiction of sex that would be appropriate for the relevant broad audience which would include children.

The Panel considered that while this scene may have sexual connotations there is no sexual behaviour displayed between the man and the woman. The Panel considered the woman's attire may be seen to be slightly sexualised, but considered that this was not a depiction which was inappropriate for the relevant broad audience which would include children.

The Panel considered that overall while the advertisement contains scenes which contain sexual themes, the overall impression of the advertisement was of a love story or action movie and was not strongly sexualised, particularly with people unfamiliar with the movie theme.

The Panel considered that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience.

The Panel determined that the 'J' version of the advertisement did not breach Section 2.4 of the Code.

The Panel considered whether the 'P' version of the advertisement was in breach of Section 2.4 of the Code.

The Panel noted the complainants' concerns that the advertisement featured highly sexualised scenes that were inappropriate for the broad audience.

In particular the Panel noted the scenes with a man in the shower with a woman's arms wrapping around his torso, and a blindfolded woman tied to a rack being kissed by a man with his hand around her throat.

The Panel noted that these scenes are only fleeting however considered that the overall impression is very sexualised. The Panel noted that while there are no breasts or genitals visible there is a strong suggestion of nudity in the shower scene which combined with an embrace portrayed a level of sexualisation which would be inappropriate for the broad audience which includes children.



The Panel considered that in the scene depicting a woman tied to a rack this is a clear depiction of bondage and sexual domination. The Panel considered that many members of the community would not be comfortable with depictions of bondage being shown to a broad audience which would include children.

The Panel considered that these specific scenes within the 'P' version of the advertisement did not treat sex, sexuality and nudity with sensitivity to the relevant audience.

The Panel determined that the 'P' version of the advertisement did breach Section 2.4 of the Code.

Finding that the 'J' version of the advertisement breached Section 2.3 of the Code and the 'P' version of the advertisement breached Section 2.4 of the Code the Panel upheld the complaints.

THE ADVERTISER'S RESPONSE TO DETERMINATION

Advertiser verbally stated that advertisement was no longer running on TV.