



Case Report

1	Case Number	0083/15
2	Advertiser	Universal Pictures
3	Product	Entertainment
4	Type of Advertisement / media	TV - Out of home
5	Date of Determination	25/03/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This advert is a short trailer for the movie Fifty Shades of Grey and features a man and a woman talking and in various other scenarios. They are in a plane and in one scene he places a blind fold over her eyes.

THE COMPLAINT

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

R and MA+ movies are being advertised by Pump TV in petrol stations during the day when they are easily visible to young children in cars. Previous incidents have included 'Wolf of Wall St'. I have complained to the petrol station and Pump TV but have received no response. Both ads have contained scenes which are inappropriate for young children to witness.

THE ADVERTISER'S RESPONSE

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

This advert has been edited for the Australian market and has received a "J" classification. This advert was played within the petroleum environment (which an adult of the age of 16+ is applicable).

This complaint has stemmed from the Glenrose Petrol Station situated in New South Wales and the campaign ran between the dates of Monday 16th of March to Sunday 22nd March 2015.

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 an audience which could include children.

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

The Board considered whether the advertisement was in breach of Section 2.4 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 this advertisement is promoting the movie, “Fifty Shades of Grey” and features some scenes from the movie.

The Board noted the movie is based on a well-known 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 they had previously considered advertising for the same movie on several different medium. In particular the Board noted that it had dismissed complaints about the television version of the advertisement (ref: 0047/15). In that case the Board noted 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 noted that the movie contains consensual sexual themes 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 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 embracing.

The Board noted the content of the advertisement and considered that the scenes chosen were relatively mild given the nature of the movie and milder even than those shown in the television version of the same advertisement. The Board noted that there is no explicit nudity, no sex scenes and whilst we see the main character is wearing a blind-fold this scene is very fleeting and is only mildly sexualised and is not inappropriate.

The Board acknowledged that some members of the community would prefer that this type of movie was not promoted anywhere where children may be able to view it but considered that similar to the decision above for the television version, overall the content of the advertisement was not inappropriate in the context of a short promotion at a petrol station.

The Board noted that in order to actually be able to fill a vehicle with fuel, a person had to be 16 years and over.

The Board determined that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and 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.

