



Case Report

1	Case Number	0093/14
2	Advertiser	FOXTEL Management Pty Ltd
3	Product	Entertainment
4	Type of Advertisement / media	TV
5	Date of Determination	09/04/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.3 - Violence Violence
- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.6 - Health and Safety Unsafe behaviour
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The opening scene of the Advertisement depicts two young adults lounging around the living room playing on a laptop computer and a tablet. Their mother then walks in holding a washing basket and says:

“Will you two put those things down and get outside. When I was your age I was always out having fun with friends.”

The Advertisement then cuts to a number of scenes of the mother recalling what she got up to when she was young. The montage of scenes depicts a rebellious insubordinate teenager acting disorderly and unruly. The scenes include (among other things) depictions of the mother as a young girl getting a mohawk, egging a car, kissing boys and being pushed around in a shopping trolley. The Advertisement then cuts back to the present day and after remembering what she got up to when she was younger the mother quickly changes her tune and says to her children:

“Where do you think you are going? Sit down, watch a movie.”

THE COMPLAINT

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

This ad depicts a young girl behaving incredibly inappropriately and also illegally. This ad is accompanied by a tune which always grabs my children's attention. I do not want my children exposed to these types of behaviours and ideas. They repeatedly ask me about the subject matter of this ad. I've taken this opportunity to discuss legal behaviours with my children however I resent that it's been necessary and at the age of 8 and 6 exposed to such material. However it is not illegal for a girl to be promiscuous and this is not a conversation I wish to be having with my very young children.

The mother's recollection is portrayed by a pretty girl who is being portrayed as 'cool' while being involved in a number of criminal activities. One of the activities she is involved in is a cat fight between two girls (she is also shop lifting, being arrested by police/put in the back of a police paddy wagon) with school yard bullying and the number of videos going viral on the internet of school girls fighting makes the content of this ad extremely inappropriate, offensive, and is portraying these actions as 'cool'

I dislike this ad and object to it in the strongest possible terms. I am one of the thousands of parents who are trying to remove the electronic gadgets which have become surgically attached to my children's hands, and get them involved in other pursuits that involve exercise and fresh air. I do realise this advertisement represents a "tongue in cheek" family situation, but I object to the extremely positive message of children getting off their gadgets being used as a negative. This advertisement suggests that children would be better off on the couch on a perfectly good afternoon than outside. Not all people of that mothers' generation got themselves arrested on any given Saturday night, as this advertisement displays.

THE ADVERTISER'S RESPONSE

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

Section 2.3 – AANA Code of Ethics

We understand that a consumer has contacted the Advertising Standards Bureau alleging that a scene in the Advertisement breaches section 2.3 of the AANA Code of Ethics (the "Code"), which provides:

"Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised."

The consumer specifically refers to the scene in the Advertisement where the mother is depicted at a younger age getting involved in a minor physical altercation with another female. This scene is one of a number of scenes that humorously depict the mother at a younger age attempting to entertain herself by engaging in unruly activities. The scene is brief and depicts a very mild squabble between teenagers. Foxtel submits that it has not breached section 2.3 of the Code as the depiction is justified by the context of the advertisement.

Section 2.4 – AANA Code of Ethics

We understand that a consumer is also concerned that the Advertisement breaches section 2.4 of the Code, which provides:

"Advertising or Marketing shall treat sex, sexuality and nudity with sensitivity to the relevant audience."

The consumer is specifically referring to the scene in the Advertisement where the mother is depicted as a young girl kissing two boys in the back of a car. The scene is intended to depict an adverse activity that young adults may get up to when attempting to entertain themselves.

The scene is intended to be humorous and is certainly not intended to encourage or condone promiscuous acts. The depictions of the young girl kissing are mild and discreet and the scene is very brief. Accordingly, Foxtel submits that the depiction does not breach section 2.4 of the Code.

Section 2.6 – AANA Code of Ethics

We also understand that a consumer is concerned that the Advertisement breaches section 2.6 of the Code, which provides:

“Advertising or Marketing Communications shall not depict material contrary to prevailing Community Standards on health and safety.”

The consumer alleges that the series of ‘flashback’ scenes in the Advertisement imply that “a typical teenager should/must” behave that way and that the Advertisement indicates that young people must act in that manner to live “a normal fun filled life” and to “fit in”.

The intent of these scenes is to humorously depict the wild activities that young teenagers could potentially engage in if they are not properly entertained. The scenes are intended to be comical and light-hearted; there was no intention to encourage or condone the behaviour depicted in the scenes. Conversely, the aim of the Advertisement is to depict the behaviour as “foolish” which is why the mother in the Advertisement encourages her children to watch PRESTO movies rather than go outside. Furthermore, there are two scenes in the Advertisement which depict the young women being apprehended by the police. These scenes clearly demonstrate the negative consequences of engaging in the activities depicted in the Advertisement. Accordingly, Foxtel submits that it has not breached section 2.6 of the Code as the Advertisement does not depict material contrary to prevailing community standards on health and safety.

Conclusion

Foxtel takes the concerns of its subscribers and its commitment to the community very seriously. We can confirm that the Advertisement was intended to be light-hearted and humorous; it was never intended to cause offence to its audience.

For the reasons set out above, Foxtel submits that the Advertisement has not breached sections 2.3, 2.4 or 2.6 of the Code.

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’ concerns that the advertisement depicts girls fighting, a young girl kissing young boys, a girl stealing clothes and throwing eggs at a car and that it encourage children to stay indoors watching TV which is against prevailing community standards.

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 that the advertisement features a mother reminiscing about her wild childhood before encouraging her children to watch a movie rather than go out.

The Board noted that the flashback scenes show the mother as a teenager engaged in a 'cat fight' with another teenage girl where they tug at each other's hair. The Board noted that this scene is one of many which show the mother behaving in a manner which is clearly presented as undesirable. The Board considered that the level of violence was very mild and that the advertisement does not encourage or condone teenagers to fight one another.

Based on the above 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 complainants' concerns that the advertisement shows a girl kissing two boys and that they all look young. The Board noted that the girl is clearly a teenager and considered that a depiction of a teenage girl kissing boys is not inappropriate.

The Board noted that like other risky behaviours depicted in the advertisement, the kissing scene is very brief and considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

The Board noted that the advertisement had been given a 'P' rating by CAD and that this rating reflects timing suited to the PG timeslot. The Board noted that the advertisement had been aired in the appropriate time for the rating.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

The Board considered Section 2.6 of the Code. Section 2.6 of the Code states: "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety".

The Board noted the complainants' concerns that the girl is shown stealing clothes. The Board noted that the girl is also shown in a police van and being escorted home by a policeman and considered that rather than encouraging or condoning bad behaviour the advertisement depicts the negative consequences of such behaviour.

The Board noted the complainants' concerns that the advertisement encourages children to stay inside which is against prevailing community standards on the health of children. The Board noted that the advertised product is a movie provider and considered that it is not inappropriate for the advertiser to encourage consumers to use their product. The Board noted that the theme of the advertisement is a mother reminiscing about her wild teenage

years and considered that her suggestion to her children to stay inside is made in the context of her own experiences and does not suggest that all children should stay inside and watch movies.

The Board determined that the advertisement did not breach Section 2.6 of the Code.

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