



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

<b>1</b>	<b>Case Number</b>	<b>0109/18</b>
<b>2</b>	<b>Advertiser</b>	<b>The Greater Union Organisation Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>Entertainment</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Email</b>
<b>5</b>	<b>Date of Determination</b>	<b>07/03/2018</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

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

2.5 - Language Inappropriate language

## DESCRIPTION OF THE ADVERTISEMENT

This email advertisement features information about an event for the movie '50 shades Freed; and features the subject line 'Don't Miss the Climax'.

## THE COMPLAINT

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

*I received an email from Cinebuzz with the subject line 'don't miss the climax' referring to their upcoming 50 Shades Of Grey film. I believe this is an inappropriate subject line with the insinuation it carries if this email was sent out to all demographics including children. It's sexually suggestive.*

## THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this





advertisement include the following:

*Advertisement description*

*The complaint refers to a Cinebuzz email sent on 30 January 2018 to members subscribed to receive email communications. The content of the email was promoting the Chicks at the Flicks screening of Fifty Shades Freed. This email communication was sent to Cinebuzz members that met the following criteria; female AND aged between 18-59 years old who had subscribed to receive information about Chicks at the Flicks events.*

*The subject line of 'Don't Miss the Climax' is the official tag line from Fifty Shades Freed and is used across all the official poster collateral provided by the distributor (Universal Pictures International Australasia Pty Limited). As this film was expected to be rated MA15+ and given the nature of the content ethically we choose to only send this campaign to members over the age of 18.*

*Advertiser responsel refer to your letter dated 22 February 2018 in relation to the above complaint to the Advertising Standards Bureau. I respond as follows on behalf of The Greater Union Organisation Pty Ltd trading as Event Cinemas (GUO) which operates most of our Event Cinemas branded cinema complexes and facilitates the Cinebuzz email communications. Cinebuzz is our cinema loyalty program. Please note that GUO is a subsidiary of Event Hospitality & Entertainment Ltd.*

*The complaint refers to a Cinebuzz email sent on 30 January 2018 to members subscribed to receive email communications. The content of the email was promoting the Chicks at the Flicks screening of Fifty Shades Freed. This email communication was sent to Cinebuzz members that met the following criteria; female AND aged between 18-59 years old who had subscribed to receive information about Chicks at the Flicks events. The subject line of 'Don't Miss the Climax' is the official tag line from Fifty Shades Freed and is used across all the official poster collateral provided by the distributor (Universal Pictures International Australasia Pty Limited). As this film was expected to be rated MA15+ and given the nature of the content ethically we choose to only send this campaign to members over the age of 18.*

*I have enclosed a copy of the email for your reference (please note this is a test of the actual version delivered to Cinebuzz members). We recognise the subject may be considered by some members of the public to be inappropriate but as stated above we did take the necessary precautions to mitigate the wrong audience receiving this email. In this case, the complaint's key concern is that the language 'Don't Miss the Climax' would be inappropriate if the email was sent out to all demographics including children. However, as explained above, the email was not sent to all demographics and it certainly was not sent to children. Rather, the email was sent to a specific and targeted adult audience. We therefore respectfully submit that the advertisement complies with the Code of Ethics.*



*Moving forward as a corrective action, we have ceased to use the tag line for any future campaigns for Fifty Shades Freed. We have also removed any reference of this tagline (including the Movie Poster) from our website and any future email communication. This action has been communicated to our Marketing and Content teams.*

*Furthermore in relation to other areas of the Code of Ethics in question (in particular Section 2 Consumer Complaints) we have reviewed all elements of the advertisement and there is no further evidence of the following; discrimination or vilification; exploitative or degrading; violence; obscene language; or threat to public health and safety.*

*We respectfully request that the ASB takes into consideration the explanation and background provided above in the course of making its determination regarding the complaint.*

## **THE DETERMINATION**

The Ad Standards Community Panel (the “Panel”) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the “Code”).

The Panel noted the complainants’ concern that the advertisement contains sexualised language that would be inappropriate for a broad audience.

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

The Panel 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 Panel noted this email advertisement included the subject line ‘don’t miss the climax’ and contained an image of two people kissing and details of an upcoming movie event for 50 Shades Freed.

The Panel noted the complainant’s concern that the subject line for the advertisement would be inappropriate if the email was sent to children.

The Panel noted the advertiser’s response that the advertisement was only sent to females aged 18-59 who had subscribed to receive information about the ‘chicks at the flicks’ events.

The Panel considered that the relevant audience for this advertisement would therefore be adult women.



The Panel considered that there was no nudity or sex in the advertisement.

The Panel considered that the use of the word 'climax' in combination with the image of the couple kissing was mildly sexual, in the context of a third movie in a series it would be appropriate to refer to a climax of a movie or story.

The Panel considered that the advertisement was not overly sexualised and 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 Panel dismissed the complaints.

