



Ad Standards Community Panel  
PO Box 5110, Braddon ACT 2612  
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Advertising Standards Bureau Limited  
ACN 084 452 666

## Case Report

1	Case Number	0151/18
2	Advertiser	Becker Film Group
3	Product	Entertainment
4	Type of Advertisement / media	TV - Pay
5	Date of Determination	11/04/2018
6	DETERMINATION	Dismissed

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

This Pay TV advertisement for the movie *Swinging Safari* features rapid change scenes including: a father walking in to a bedroom to his daughter on the floor between a boys legs, a girl getting water poured on her head at the beach, a man riding a small motorcycle attached to a rope, a veranda scene with police, a kiss scene, an apparent explosion at the beach and a woman standing over a girl.

### THE COMPLAINT

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

*During the ad, there is a scene in which it is implied a young woman is performing oral sex on a man. I find this completely inappropriate for the time of day and for the genre and classification of television show being aired.*

### THE ADVERTISER'S RESPONSE



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

*This letter has been submitted as a response to the complaint letter received by Becker Film Group on March 19th 2018. In this response we have addressed the individual complaint as well all elements identified in Section 2 of the AANA Advertiser Code of Ethics. We are confident that after you review this letter it will be clear that our Pay TV advertising 30" commercial for Swinging Safari (CAD number BFGSS30) complied with the STV classification regulations for programming for M commercials.*

*The complaint raised suggests that the commercial was quote; "inappropriate for the time of day" as it was shown between 2pm – 4pm in the afternoon. The programming for advertising this film was thoughtfully executed with our media buyer to ensure programs targeting a mature adult audience were considered, hence our decision to program along side "Grand Designs Australia" (Lifestyle) which is the program in dispute.*

*STV (Foxtel) accepts M commercials on Lifestyle from 12pm onwards. Please refer to STV M CAD table. CAD's recommendation is that commercials with an M can be shown from 12noon onwards, on shows that is "neither promoted to Children nor likely to attract a substantial Child audience".*

*I would also like to point out this particular ad, featured on "Grand Designs Australia" on January 1st at 15:10 and 14:39 were both bonus ads given to our film by Foxtel, therefore not decided by Becker Film Group.*

*Furthermore, The actors in the alleged offending scene are fully dressed and there is no explicit in appropriate scenes. The implication that the young woman is performing oral sex is the complainant's interpretation of what is clearly a parody. A scene, which could be and has been, interpreted many ways. Pixar's ability to bring adult parody into its animated kids films is famous and is what makes its movies so enjoyable, even when we're way past its usual demographic. Case in point: In Toy Story 3; when Lotso, the pink stuffed bear, takes Mrs. Potato Head's lips off of her body when she's talking too much, Mr. Potato Head says, "Hey, nobody takes my wife's mouth except me!". As kids, we thought he was just being a protective husband. As adults, all we hear is an oral sex joke. The complainant's interpretation is an adult interpretation not a child's so it can hardly be deemed inappropriate.*

*In relation to the AANA Code of Ethics the ad does not contain discrimination or vilification, exploitative or degrading behaviour, violence, bad language, or health and Safety issues. The complaint addressed an innocent scene that implies a sexual act. This is a comedic element and should not be taken seriously. There is no other sexual references or nudity.*



*I would like to emphasise that this commercial ran many months ago and is no longer on air, with no intention on being shown again.*

*Based on all the above, I strongly urge the committee to consider the necessary elements of this commercials for companies like ours, to be able to effectively target their audience. We would never intentionally create advertisements that we think would offend anyone. As demonstrated in the letter, we complied to all parameters of STV classification.*

*For the Committees convenience we submitted the following documentation for review*

- A copy of the script*
- Details of the CAD reference number and CAD rating*
- Details of media buyer*
- Link to the Advertisement*

## **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 was inappropriate for the time of day and for the genre and classification of the program being broadcast.

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 that the advertisement about the Australian film “Swinging Safari” featured a number of excerpts from the movie including: a father walking in to a bedroom to his daughter on the floor between a boys legs, a girl getting water poured on her head at the beach, a man riding a small motorcycle attached to a rope, a veranda scene with police, a kiss scene, an apparent explosion at the beach and a woman standing over a girl whilst the voiceover detailed family life depicted at that time.

The Panel noted the complainant’s concern that the advertisement featured a scene in which it is implied that a young woman is performing oral sex on a man.

The Panel noted that the movie trailer featured a montage of fleeting scenes. The Panel noted that the scene under complaint was very short at approximately two



seconds and considered that there was no nudity depicted. The Panel considered the advertiser's response that indicated that the scene under complaint could have been interpreted many ways and the implication that the young woman is performing oral sex is the complainant's interpretation.

A minority of the Panel considered that the advertisement was sexually suggestive in the depictions of some fleeting scenes. The minority considered the advertiser's response that the advertisements that aired during the program were bonus spots and not decided by the advertiser, and considered that more care should be taken when booking bonus spots.

A majority of the Panel considered that the advertisement's rapid change scenes made determining the specific content of a scene ambiguous and noted with the advertiser's response that afternoon programming on Lifestyle is not promoted to children nor is it likely to attract a substantial child audience.

The Panel determined that in the context of a satirical adult themed movie trailer the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant adult programming audience and therefore did not breach Section 2.4 of the Code.

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.

