



ADVERTISING
STANDARDS
BUREAU

Level 2, 97 Northbourne Avenue, Turner ACT 2612
Ph (02) 6173 1500 | Fax (02) 6262 9833
www.adstandards.com.au
ACN 084 452 666

Case Report

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| 1 | Case Number | 0158/14 |
| 2 | Advertiser | Universal Pictures |
| 3 | Product | Entertainment |
| 4 | Type of Advertisement / media | TV |
| 5 | Date of Determination | 14/05/2014 |
| 6 | DETERMINATION | Dismissed |

ISSUES RAISED

- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.5 - Language Inappropriate language

DESCRIPTION OF THE ADVERTISEMENT

The advertisement is promoting the movie, Bad Neighbours, and features a montage of scenes from the movie. One scene shows a young baby playing with what looks like a condom before being rushed to hospital by his concerned parents.

THE COMPLAINT

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

This add was during prime time whilst children we're watching. There we're references made to inappropriate condom use. There we're also swear words. I get that during football time it would be the target audience for this movie. But with watching football also being a family pastime surely this ad for a MA movie is inappropriate.

THE ADVERTISER'S RESPONSE

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

Prior to being dispatched, Dream House received a J CAD rating as it is an MA Classified Film and the content of the ad suggests the use of parental guidance. In adhering with the J

rating guidelines, this commercial was run after 10am and during the Football which recommends the use of parental guidance.

Contrary to the above complaint, no obscene or strong language has been communicated during this ad and no 'swear words' have been used or written in the script (please see attached). In regards to the use of sexual references, the J CAD rating suggests again that this commercial is to be watched with Parental Guidance and is screened to the appropriate audience in the correct time slot for such an advertisement of this nature.

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 includes references to condoms and inappropriate language which is not suitable for viewing by 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 that the advertisement features a montage of scenes from the movie *Bad Neighbours*. One scene shows a young baby playing with an object before being rushed to hospital by his concerned parents.

The Board noted the complainant's concern that the advertisement includes references to inappropriate condom use.

The Board noted that the advertisement featured scenes from the movie itself and that the scenario where the baby holds the object is only an implication that it is holding a condom with no direct comment that this is the case and no use of the word condom, the scene is short, and there is not a prolonged reference to condoms or a connection between condoms and sex.

The Board noted that the advertisement was given a J rating from CAD (which is subject to similar time zones as a PG rating) and that the advertisement was aired in the appropriate time for the rating given. The Board considered 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.

The Board then considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: "Advertising or Marketing Communications shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided".

The Board noted that the father in the advertisement uses the expression "Jesus" when he realises the baby is holding a condom. The Board noted that it had previously considered advertisements that have included a similar expression to indicate alarm or surprise. The Board considered that although the use of the name Jesus would be offensive to some people in the community based on their religious beliefs, in the Board's view the word is itself no longer considered by the broader community as strong or obscene and would not be considered inappropriate in the circumstances.

The Board determined that the advertisement did not breach Section 2.5 of the Code. Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaints.

