



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	0160/18
2	Advertiser	Village Cinemas Australia
3	Product	Entertainment
4	Type of Advertisement / media	Radio
5	Date of Determination	09/05/2018
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This radio advertisement is promoting Village Cinemas Date Night Event – including an advance screening of Blockers. Quotes from the film include "I want to go to Prom and lose my God-damn virginity".

THE COMPLAINT

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

The ad featured audio from the movie trailer, which included the words "I wanna go to prom and lose my God-damn virginity!" being said by a teenage girl. This was playing on the radio in my car as I was taking my three young children to after-school activities! Even my 11-year old son (the eldest in the car at the time) pointed out straight away that it was inappropriate language to be on the radio when kids are listening! His two younger sisters (9 and 6) had no idea what it meant but started





asking questions.

THE ADVERTISER'S RESPONSE

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

This advertisement was intended to air on Nova 100, however due to a booking error made by Nova Entertainment this commercial aired on Smooth FM. Smooth FM is not the right audience for the activity, and subsequently has offended a listener who made a complaint to the Ad Standards Board. Nova Entertainment have accepted their error, and will apply due diligence for all future bookings. Village Cinemas will also carefully monitor all future radio commercials including audio clips provided by film distributors, and ensure that they do not cause offence and adhere to the radio advertising codes.

THE DETERMINATION

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

The Panel noted the complainant's concern that the advertisement contains inappropriate language and sexual references.

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

The Panel noted the radio advertisement featured the words 'I want to go to prom and lose my God-damn virginity.'

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 the complainant's concern that the advertisement was inappropriate for a broad audience that would include children.

The Panel noted the advertiser's response that the advertisement had been aired on Smooth FM due to a booking error and that the advertisement was played in error. The Panel noted that the advertiser had taken steps to ensure that this does not happen in the future.



The Panel considered that Smooth FM is an easy listening station that would generally be considered by many parents to be appropriate for children. The Panel considered the advertisement was broadcast at 4pm and this was a time that children would likely be travelling in the car and listening to the radio.

The Panel noted that it had previously considered a Facebook advertisement for the same movie which included the same line (0127/18), in which:

“The Panel noted that there were other scenes in the advertisement that referenced sex and discussions about sex, however noted that there was no suggestion of strong sexual activity or nudity in the advertisement. The Panel considered that it was reasonable for an advertiser to include movie scenes in the advertisement for the movie, and that any sexual references in these scenes were relevant to the product being advertised.

The Panel considered that the advertisement was not inappropriately sexualised and that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant online audience and did not breach Section 2.4 of the Code.”

Consistent with case 0127/18, a minority of the Panel considered that the references to sex in the advertisement was relevant to the product being advertised and that there was no strong suggestion of sexual activity as it is a radio advertisement.

The minority of the Panel considered the word ‘virginity’ is an acceptable term and in itself is not a word that would be inappropriate for a broad audience that would include children.

However, the majority of the Panel considered that unlike the Facebook advertisement considered in case 0127/18, the relevant audience for the current advertisement had a broader audience which was much more likely to include children, and that a specific references to losing virginity was not appropriate for this audience.

The majority of the Panel considered that the line ‘I want to go to prom and lose my God-damn virginity’ from a teenage girl was a strong sexual reference and was inappropriate for a broad audience that would include children.

The Panel considered that the advertisement did not treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience and determined that the advertisement did breach Section 2.4 of the Code.

The Panel 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 (including



appropriate for the relevant audience and medium). Strong or obscene language shall be avoided”.

The Panel noted the advertisement includes the phrase ‘God-damn virginity’.

The minority of the Panel considered that the word ‘virginity’ was an acceptable term and was not inappropriate for the circumstances.

The minority of the Panel acknowledged that while some members of the community may consider the term ‘God-damn’ to be blasphemous and inappropriate, the phrase was likely to be part of every-day Australian vernacular for some people and used in this context would not be considered strong or obscene by most members of the community.

The minority of the Panel considered the line ‘I want to lose my God-damn virginity’ was appropriate in the context of an advertisement for a movie that contained that line and was not inappropriate for the broad audience and medium.

The Panel noted that it had previously considered a poster advertisement, in case 0184/13, which used the term ‘OMFG’. In this case:

“The Board recognised that the target audience for the type of store is likely to be young adults and teenagers and that the term is likely to be one that they use frequently via txt messaging and other social media, however the Board considered that the very fact that people use the term does not negate the fact that in particular the two words that are being abbreviated are actually “fucking God” and that the association of these words would be considered strong and obscene by many in the community.

The Board considered that there is a large portion of the community that would take offence to this term and that to refer to “oh my fucking god” is blasphemous and inappropriate in the circumstances (including for the relevant audience and medium).

In the current advertisement, the majority of the Panel considered that using the term ‘God-damn’ in combination with the term ‘virginity’ was a phrase that many people would find inappropriate in the circumstances, including for the relevant audience and medium.

The majority of the Panel considered that the accumulated effect of these words was likely to cause offence to members of the community, and was not appropriate for a radio advertisement which would likely be heard by children.

The Panel determined that the advertisement did not use language which is appropriate in the circumstances and did breach Section 2.5 of the Code.



Finding that the advertisement breached Section 2.4 and 2.5 of the Code, the Panel upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

I can confirm the radio commercial in question will not be used in any future advertising and has been discontinued