



**ADVERTISING
STANDARDS
BUREAU**

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Case Report

1	Case Number	0174/14
2	Advertiser	Universal Pictures
3	Product	Entertainment
4	Type of Advertisement / media	Internet
5	Date of Determination	28/05/2014
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

Promotion of "A million ways to die in the West" featuring scenes from the movie where a man fires a gun at some cans, a woman appears to flash her genitals at a man, a man uses shadow puppetry to imply he is receiving oral sex and a man pleads not to be shot on sex night.

THE COMPLAINT

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

Sexually offensive content. The trailer could not be skipped and had to be played through to view The Voice clip. No warning was given. It is completely unacceptable for children. It is offensive to any decent person. It was shown on several clips.

THE ADVERTISER'S RESPONSE

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

RESPONSE FROM ADVERTISER:

All of our digital activity has been planned to be demographically targeted towards Ppl 16-

39yrs (*A Million Ways To Die in the West* has been classified MA 15+)

This means that using Hotmail or other data available, Ninemsn can identify the demographic group and serve content accordingly. Given the tight targeting parameters in place, Ninemsn had given the go ahead to run with this creative. However in light of the complaint we have since changed the creative we are running across the campaign and specifically within The Voice. The ad that is now featured has been given a J CAD rating which means the content is 'PG' Style.

This can be made available for viewing on request.

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 complainant’s concern that the advertisement features sexually inappropriate content which could be viewed 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 this advertisement is promoting the new movie, “A million ways to die in the West” and the complainant had seen the advertisement online prior to a clip for The Voice.

The Board noted the advertiser’s response that the advertisement was approved by Ninemsn to be screened prior to their online program content. The Board noted that The Voice is a program enjoyed by families and that the complainant was unable to skip this advertisement prior to watching The Voice on the Ninemsn website.

The Board noted that the movie clips used in the advertisement included references to sex: a man in bed with a woman pleading to not be shot “on sex night”, a man telling a woman that he was about to shoot a full load at her cans, a woman lifting her skirt to flash at a man and a scene where oral sex is suggested via the use of silhouetted figures.

The Board noted the scene where oral sex is implied using silhouetted figures. The Board considered that despite the use of silhouettes it is clear what is being implied is a sexual act between two men and that the accompanying language, “I’ll give you a little tap on the hat when I’m ready to go” amounts to an overall depiction of a sexual act which most members of the community would find inappropriate.

The Board noted that the advertisement was unable to be skipped or fast forwarded and considered that its placement prior to a program which is of appeal to families including children did not treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

The Board determined that the advertisement did breach Section 2.4 of the Code.

Finding that the advertisement did breach Section 2.4 of the Code the Board upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

In response to the complaint that has been upheld against Universal Pictures, I can confirm that the ad in question was pulled from online broadcast at the time of the initial complaint (9/5/2014).

This ad is no longer in creative rotation and will not be used in future advertising.