



Case Report

1	Case Number	0179/15
2	Advertiser	Universal Pictures
3	Product	Entertainment
4	Type of Advertisement / media	Poster
5	Date of Determination	13/05/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This poster advertisement features an image of Ted, an animated teddy bear. He has his back to the camera and the text reads, "ted is coming, again. coming soon. Ted2TheMovie.com.au".

THE COMPLAINT

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

*In the poster we see "Ted's" back with both hands in front of him, out of view. "Ted" is in a pose that you might think he is urinating. The tagline for the poster says "Ted is coming, again." I'm not offended by crass jokes, though I don't find this funny or not funny. I find the poster very inappropriate for a public space where children, young teenagers and older people walk past. Most people won't make the connection to masturbating and ejaculation, but I did and I found it inappropriate. Some fans of the Ted movie obviously will also make the connection and not be offended, but what about young kids, women, teenage girls?
I do not think this sort of advertising should be allowed in a public space.*

THE ADVERTISER'S RESPONSE

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

The complainant outlines that he does not find the creative execution of Ted standing with his back to the camera to imply that he is urinating funny, and while he is not offended, is concerned that women might be.

We can assure that the poster artwork for Ted 2 does adhere to all legal guidelines. Ted is an animated character, and is not exposing himself in an indecent manner. The check the classification logo is also placed on the poster to clearly outline that the film is to be classified and will adhere to all formal guidelines. It is up to the individual cinema locations to determine the placement of where the posters are displayed within the cinema environment.

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 concerns that the advertisement features an image of the character Ted from the movie which is offensive and suggestive of masturbation.

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 an image of a bear (Ted), with his back to the viewer. Ted’s arms are placed in front of him and are not visible. The slogan reads, ‘Ted is coming, again’

The Board noted that the advertisement was to promote the upcoming movie called Ted which was Rated R and soon to be aired in cinemas. The Board noted that the image was seen as a poster above the main entry to the Cinema.

The Board noted that the image is directly related to the movie and that relevance of the image to the product or service advertised is relevant in determining whether the advertisement treats sex, sexuality or nudity with sensitivity to the relevant audience.

The Board noted that it had previously considered an advertisement of a similar nature where Ted was seen urinating at a urinal. In that case the Board considered that “most members of the community would find the advertisement to be lighthearted and would recognise that the image is directly related to the movie being promoted.”

Consistent with the decision above the Board considered that members of the community who would likely watch the movie would be aware of the comical nature of the movie and the way the character ‘Ted’ misbehaves. The Board noted that the movie is directed to an adult audience, however the Board agreed that the image of a bear would be attractive to children. The Board noted that the Bear is not actually doing anything wrong and noted that there is no nudity and no evidence of any inappropriate behaviour.

Based on the above, the Board determined that the advertisement 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 (including appropriate for the relevant

audience and medium). Strong or obscene language shall be avoided”.

The Board noted the complainants concern that the stance of the character in the poster is suggestive of masturbation. The Board noted that the image in connection with the words “Ted is coming, again” is intended to give an overall impression that Ted could be touching his private area in an inappropriate manner.

The Board noted that as there is no evidence of any inappropriate touching, the idea of masturbation in this poster is a concept that would require an adult level of understanding to piece together.

The Board considered that in the context of the movie being promoted any suggested misbehaviour by the character is relevant to the product being advertised and that in this case the use of the term “Ted is coming” and the image did not amount to language that was considered inappropriate for the circumstances and was not strong or obscene.

The Board considered 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 complaint.