



**ADVERTISING
STANDARDS
BUREAU**

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Case Report

1	Case Number	0199/14
2	Advertiser	Sydney Film Festival
3	Product	Entertainment
4	Type of Advertisement / media	TV
5	Date of Determination	11/06/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

A group of small film clips is shown along with a fake animated audience reacting to the clips.

THE COMPLAINT

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

Near the end of the advertisement, they show two horses having sex with a man on top of one of the horses and a bus going by with a whole heap of people showing their bums and pressing them to the windows of the bus. This advertisement should not have been on at this hour because of those two clips. I often babysit my little cousins and they like the show "Who's Line Is It Anyway" and if that add had come on while they were watching it, there would be a lot of questions and it is just simply not appropriate. If the add had come on later at night (say 10:00 pm onwards) it would not be as much of a problem.

THE ADVERTISER'S RESPONSE

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

There are two short clips approximately 24 seconds into the commercial that are the subject of this complaint, each less than one second long:

1 - the first is of horse mounting another horse that is being ridden by a man
2 - the second is of a group of men pressing their buttocks against a window of a bus as it drives past

The first clip is from the Icelandic feature film "Of Horses and Men" that is being played at Sydney Film Festival in June. The film was selected as the Icelandic entry for the Best Foreign Language Film at the 86th Academy Awards. It has won 16 awards at major international film festivals from Tokyo to Tallin. There is no genitalia visible in the clip, it is very brief in duration, and is less graphic than something you would see in most nature documentaries.

The second clip is from the Italian feature Film "The Referee" that is also being played at Sydney Film Festival in June. Directed by Paolo Zucca, it comes from the Venice Film Festival where it had its World Premiere. The Referee is based on Zucca's short film by the same title, "L'Arbitro", winner of the David di Donatello prize for best short in 2009 and the Special Jury Prize at the Clermont-Ferrand Short Film Festival. The brief clip is of a group of adult male soccer players letting off steam on the bus home from a match. It is not sexual or sexualised in any way, shape or form, and it comes across as mere exuberant male horseplay.

We never intend to offend at Sydney Film Festival. Our TVC was rated as PG and we supplied it to the TV stations as such. The TV stations play the ad for free where and when they see fit under their CSA (Community Service Announcement) obligations, as we are a government-funded not-for-profit with registered charitable status. We do not get to choose the timeslots or programs they are played in under this arrangement.

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 contains sexualised material which is inappropriate for airing at times when children are watching.

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 is a montage of films that feature at the Sydney Film Festival. There is one scene where a horse is on top of another horse while a man is sitting in the saddle. One other scene shows rows of bare bottoms against the glass windows of a bus.

The Board noted the advertiser's response that The first clip is from the Icelandic feature film "Of Horses and Men" and that the second clip is from the Italian feature Film "The Referee."

The Board noted the advertiser's response that the advertisement was classified with a "PG" rating from CAD.

The Board noted that the scene showing the horses having sex was very fleeting. The Board noted that two horses having sex is a scenario that would likely be viewed in a documentary.

The Board agreed that it was unusual to include a man still on the back of a horse while the horse was engaged in a sexual encounter however based on the advertiser's response that the scene was taken from a film, the Board considered that it was not inappropriate in the context of a brief scene in a PG rated advertisement.

The Board noted the scene with the bottoms against the bus windows and considered that this is not behaviour that would be encouraged or condoned by the Board. The Board considered however, that the type of behaviour shown would likely be behaviour conducted by a

sporting team or similar and that the use of this scene from a film, in the context of a brief scene in a PG rated advertisement was not inappropriate for the relevant audience. The Board determined 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. Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaints.