



ADVERTISING
STANDARDS
BUREAU

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Case Report

1	Case Number	0275/14
2	Advertiser	Sony Pictures Releasing Pty Ltd
3	Product	Entertainment
4	Type of Advertisement / media	Free TV
5	Date of Determination	13/08/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The 30 second commercial outlines the story of our upcoming comedy film called Sex Tape, which releases in cinemas nationally from Thursday July 17. The TVC portrays a married couple played by Cameron Diaz and Jason Segel, two stars that regularly appear in comedic movies. The advertisement features scenes from the movie.

THE COMPLAINT

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

Not an appropriate time for this content to be shown! My children were around. I turned the sound on mute however it obviously displays the written title SEX TAPE which older children could read.

This film should not be advertised when children could possibly view this!!!! Totally inappropriate showing it just at 7pm. I would suggest after 9pm. I hope it's not shown in the day time!!!

THE ADVERTISER'S RESPONSE

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

We have reviewed the letter of complaint regarding our comedy film Sex Tape, which releases on Thursday July 17 nationally.

The 30 second STORY TVC received a 'J' classification, which allows us to advertise in PG rated programs post 7pm.

The broadcast CAD advice for 'J' rated TVC's are as follows:

Must not be broadcast:

- Between 6am and 8.30am weekdays*
- Between 4pm and 7pm weekdays*
- Between 6am and 10am weekends*
- P or C programs or in breaks adjacent to P or C periods*
- In G programs which start at 3.30pm on a weekday or are broadcast between 7pm and 8.30pm on any day*

The program Home & Away, which appears each Thursday 7 – 8pm on the 7 Network, is classified by the network as PG rated, thereby allowing us to advertise within the program. Under no circumstances did we intentionally target children as part of our TV campaign, and when advertising our films on television, we are unable to determine what TV programs the children are watching during peak telecast times on the networks.

The wording 'Sex Tape' is the actual name of the film that we are advertising.

With the CAD rating, we are unable to advertise in programs prior 7pm. Our advertising campaign was not intended to be seen in a discriminatory manner, crude or sexual nature, and the wording 'Sex Tape' is the actual name of the film we are promoting.

This 30 second commercial has been on-air since Sunday July 6 and will continue until Wednesday July 16. The TVC is on-air with a number of different 30 ad 15 second TVC's. Overall our campaign is active from Sunday July 6 to Saturday July 26.

As television is a broad medium, we are unable to determine what programs children are viewing as each household varies. As due diligence we would not intentionally target children with our advertising campaign for this film, and we have complied with the broadcasting standards and guidelines for our advertising campaign.

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 depicts sexual material which is not appropriate for children to view.

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 the advertisement is a trailer for the movie “Sex Tape” and features scenes from that movie.

The Board noted that although the movie is about a couple who make a recording of themselves having sex the clips used in the advertisement do not feature any sexual activity or inappropriate or explicit nudity. The Board noted that some members of the community would find the concept of this movie and its promotion on television to be inappropriate but

considered that this product is allowed to be advertised provided it does not breach the provisions of the Code.

The Board noted the advertiser's response that the advertisement had been rated 'J' by CAD and that the complainant had viewed the advertisement during a period when J rated advertisements are permitted to be aired. The Board noted that children could view this advertisement and considered that the content was relatively mild and not inappropriate for viewing by children in the relevant PG timeslots.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience.

The Board determined that the advertisement 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.