



Case Report

1	Case Number	0278/17
2	Advertiser	Paramount Pictures Australia
3	Product	Entertainment
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	21/06/2017
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This 30 second television advertisement is promoting the film Baywatch and features various scenes taken from the film. The opening scenes shows the Rock saying that there is more to the job than just swimming and that one of them will die. We see the lifesavers running across the beach then various scenes of explosions, fighting, a man singing in the shower and different beach activities. The onscreen text identifies the film as being rated MA 15+ with "Strong comedic nudity and coarse language".

THE COMPLAINT

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

Inappropriate shower scene and inappropriate language - the male in the promo said "shit" at a time when children would be watching the football game.

The word "Shit" was clearly audible twice during this commercial at 5:12pm.

This kind of language at this time of day should have no place on free to air TV.

The ad contains inappropriate language i.e. the word SHIT twice. In fact the "punch line"

last word in the ad is shit. I have seen the ad during the daytime, early evening and later at night.

THE ADVERTISER'S RESPONSE

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

To Whom It May Concern,

I am writing in regards to recent complaints to the Advertising Standards Bureau regarding TV spot placement for the recent advertising campaign for the film Baywatch.

As the Investment Director responsible for planning and booking all media related to this campaign, I can confirm that all TV spots were bought and placed to target a People 16-39 demographic.

Furthermore, I can confirm TV networks in all markets ran all TV spots to comply with the approved Free TV Australia CAD classification.

The paid TV advertising campaign has now finished and no future spots are booked to run Baywatch TV commercials.

Please feel free to reach out to me if you have any additional queries related to this matter.

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 depicts an inappropriate shower scene and inappropriate language, both of which are not appropriate for children.

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

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Board noted that this television advertisement promoting the new movie, Baywatch, features various scenes taken from the movie.

The Board noted that in one scene we see a main character, played by Zac Efron, hit across his neck resulting in him falling to the ground.

The Board noted that the advertisement opens with the phrase, "one of you will probably die" and considered that there is a violent theme running through the advertisement with scenes of fighting and explosions as well as the language used. The Board noted however that the

advertisement is clearly promoting a movie and considered that the violence depicted is in the context of the movie's plot and the scene featuring Zac Efron being hit on the neck is accompanied by an unrealistic sound effect which highlights the fact this is 'movie violence' rather than actual violence.

The Board considered that the level of violence depicted was not inappropriate in the context of a promotion of a movie and determined that the advertisement did not breach Section 2.3 of the Code.

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 complainant's concern that the shower scene is inappropriate.

The Board noted that the shower scene depicts a woman in a red swimsuit watching as a man sings in the shower. The Board noted that the man is shown from the waist up and considered that the level of nudity was not inappropriate and as the woman is in a swimsuit there is an overall suggestion that the man is also wearing some form of swimwear. The Board noted that the man in the shower is singing and considered his behaviour is humorous rather than sexualised and in the Board's view the woman's presence is not suggestive of a sexual encounter as the woman is clearly depicted as being amused at the man's behaviour.

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

The Board 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 Practice Note to this section of the Code provides: "Words and phrases which are innocuous and in widespread and common use in the Australian vernacular are permitted (provided they are used in a manner consistent with their colloquial usage, for example with gentle humour, and not used in a demeaning or aggressive manner). Examples are "bugger", "shit", "pissed-off", "crap"...."

The Board noted that the Practice note is intended to guide the Board on issues within the Code and that the use of the word "shit" can be considered acceptable in certain situations.

The Board noted that it is common for advertisers to beep out the word shit when used in a radio advertisement (0277/11, 0147/12, 0499/15) and considered that this censorship of the word is consistent with the findings of the ASB's Community Perceptions 2012 Research Report:

"The main reasons provided by the general public regarding why the ads portraying the potential use of Strong Language were unacceptable included the concern that society is normalising and mainstreaming strong language to shock people into noticing the advertisement. There was widespread concern over the exposure of children to strong

language, and this was noted in regard to the mediums on which the 2012 ads were shown: mail and radio.”

The Board noted the advertisement is aired on television and considered that its PG rating means the relevant audience would include children. The Board noted that it had previously dismissed the use of the phrase, ‘Up Ship Creek’ in a PG rated television advertisement (0064/17) but considered that rather than imply the word ‘shit’, the current advertisement does actually say the word ‘shit’ on three occasions.

The Board noted it had previously upheld the use of the word ‘shit’ in a poster advertisement (0158/16) where:

“...the Board noted that the word, ‘shit’ has no relevance to the advertised product other than the highlighted letters are contained within the word, ‘schnitzel’. The Board noted that the letters within the word schnitzel have been made to deliberately stand out and spell the word, ‘SHIT’ and considered that when viewed from a distance it is only the word, ‘SHIT’ which can be easily read. The Board acknowledged that the word, ‘shit’ is part of the common Australian vernacular and most people would not find the word to be strong or obscene. The Board noted however that the use of the word, ‘SHIT’ in this instance has no relevance to the advertised product and considered that its prominent display within areas popular with families amounts to a depiction of language which is not appropriate in the circumstances.”

The Board noted that the word ‘shit’ is part of the common vernacular of many people but acknowledged that many members of the community would still find this an inappropriate word to use in advertising which can be seen or heard by children. The Board noted the complainants’ concerns that the advertisement was aired at various times of the day, including a Saturday afternoon, and considered that consistent with its previous determinations, the clear use of the word shit in a television advertisement that can be seen by children is likely to be considered inappropriate by many members of the community and in the Board’s view this word could easily have been excluded from the advertisement without affecting the overall promotion of the movie.

The Board considered that the advertisement did use inappropriate language and determined that the advertisement did breach Section 2.5 of the Code.

Finding that the advertisement did breach Section 2.5 of the Code, the Board upheld the complaints.

THE ADVERTISER'S RESPONSE TO DETERMINATION

We acknowledge these complaints for the film Baywatch but since this campaign ended 2.5 weeks ago and the offending TVC is no longer on air then no further action will be taken or is necessary.

