



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0283-19
2. Advertiser :	Screenwise
3. Product :	Education
4. Type of Advertisement/Media :	Cinema
5. Date of Determination	11-Sep-2019
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.3 Violence
AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This cinema advertisement has two versions.

Version 1 - 45 seconds

This version begins with a girl standing in a film set environment as she waits for the clapper. The following scenes shows one woman chasing another, then tackling her and putting her hands around her throat; a man sitting against a wall looking sad; a couple laughing together; a kiss scene; two men sitting on the ground in a dark room. The advertisement finishes on the girl from the start looking confident.

Version 2 - 15 seconds

This version begins with a girl standing in a film set environment as she waits for the clapper. The following scenes shows one woman chasing another, then tackling her and putting her hands around her throat; a man sitting against a wall looking sad; a kiss scene. The advertisement finishes on the girl from the start looking confident.

THE COMPLAINT

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



This is a completely inappropriate display of Domestic violence which should not be allowed in the advertising itself, let alone be allowed to screen on a morning slot at the cinema for a children's movie.

My children came to see the lion king movie on a Sunday morning and I did not intend them to be subjected to a subliminal conditioning of domestic violence and sexualised content. This is totally inappropriate use of advertising material.

THE ADVERTISER'S RESPONSE

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

Please find attached a copy of our 'Be Ready' cinema Advertisement and a digital copy of the advertised footage.

To fill you in on who we are and what we do, Screenwise is a government accredited film and television acting school. Our accredited Diploma is a two year full time course. The curriculum offers many types of screen acting units over that two years. We are a boutique school with limited budget and in both the 15 second and 45 second ads we feature some of our students. We also focussed on incorporating various units such as drama, romance and screen combat as demonstrated in the advertisement.

We purposely chose two female students for the screen combat segment because we are extremely conscious of not promoting domestic violence in any way shape or form. We are also conscious of ensuring our female students are seen in an empowering light. In this segment both girls are dressed in black like spies and one girl is chasing the other girl and tackles her to the ground. Both girls struggle and one girl puts her hands around the other girl's throat briefly. In the 45 second ad the camera zooms out to reveal both girls on top of a mattress looking up at the camera and laughing. These two female screen combat students are not kissing in the next scene as the complainant states. The next segment is a fun romantic one between a boy and a girl and is not sexually oriented. It is tastefully filmed and demonstrated.

Screenwise was established over 19 years ago and we work hard to maintain our excellent reputation. Blunt Gorilla was the production company we hired to shoot the ad and Star Media is responsible for ingesting and exhibiting our ad in selected cinemas. The ad was produced in early 2017 and was screened for the first time in August 2017 and has been running at selected cinemas ever since with no complaints until now.

I have attached the original script which was based on the voice over. The producer communicated via emails mostly and I have attached the email chain for your perusal.

It's disappointing that the complainant felt offended by the content of our Advertisement because we went to extreme lengths and expense to ensure it was of



the highest standard in production value and content. We believe the ad is quite beautiful and authentically reflects what we do as an acting school. We hope you think so too.

THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concerns that the advertisement features domestic violence and sexualised content which was inappropriate for an audience which would include children.

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

The Panel noted that there are two versions of this cinema advertisement.

The Panel considered whether the advertisements were 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 Panel noted that in the 45 second version of the advertisement a woman is seen fleeing from another woman who tackles her to the ground and hold her hands around the woman's neck. A wider shot then shows the woman are on blue padded mats and there are people watching and a boom microphone. The women smile and laugh.

The Panel considered that the violence in this version of the advertisement was clearly in the context of two people acting which was justifiable in the context of promoting an acting school.

The Panel acknowledged that domestic violence is a serious issue in the community, however the Panel considered there was no indication of why the two characters the women were playing were fighting, but there was no indication that this was a domestic violence situation.

The Panel noted that in the 15 second version of the advertisement does not show the wider shot, only the woman being chased, falling and the other woman chasing her. The Panel considered that the first frame of the advertisement which features a camera, lights, a monitor and a number of people was clearly in the context of a film set. The Panel noted this is followed by someone saying, "hold on set" and another person clapping a clapperboard. The Panel considered that the various situations in the advertisement, including the struggle between the two women, are clearly in the context of acting. The Panel considered that the violence in the advertisement was justified in the context of advertising an acting school.



The Panel considered that the violence in the advertisement was justifiable in the context of the service advertised and did not breach Section 2.3 of the Code.

The Panel 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 Panel considered whether the advertisement contained sex, sexuality or nudity.

The Panel considered whether the advertisement contained sex. The Panel noted the dictionary definition of sex most relevant to this section of the Code of Ethics is ‘sexual intercourse; sexually stimulating or suggestive behaviour.’ (Macquarie Dictionary 2006).

The Panel considered that the 45 second version of the advertisement featured the man and woman sitting next to each other and the woman offering the man her lollypop, the man is then seen with the lollypop in his mouth and the woman places her hand on the man’s face and leans in for a kiss, the woman is then shown lying on the ground with the man leaning over her and they kiss.

The Panel noted the 15 second version of the advertisement only featured the last scene with the woman leaning on the ground with the man leaning over her and the couple kissing.

The Panel considered that although the couple were lying down they were fully clothed and did not appear to be engaging in any sexual behaviour other than kissing. The Panel considered that kissing alone is not sexually stimulating or suggestive behaviour and that the advertisement did not feature sex.

The Panel considered whether the advertisement contained sexuality. The Panel noted the definition of sexuality includes ‘sexual character, the physical fact of being either male or female; The state or fact of being heterosexual, homosexual or bisexual; sexual preference or orientation; one’s capacity to experience and express sexual desire; the recognition or emphasising of sexual matters’. The Panel noted that the use of male or female actors in an advertisement is not of itself a depiction of sexuality.

The Panel considered that both versions of the advertisement included images of a male and female couple kissing. The Panel considered that the kiss between the couple was an expression of sexual desire and that the advertisement does contain sexuality.

The Panel considered whether the advertisement contained nudity.

The Panel considered that all people in both versions of the advertisement were fully clothed, and that the advertisement does not contain nudity.



The Panel then considered whether the advertisement treated the issue of sexuality with sensitivity to the relevant audience.

The Panel considered the meaning of 'sensitive' and noted that the definition of sensitive in this context can be explained as indicating that 'if you are sensitive to other people's needs, problems, or feelings, you show understanding and awareness of them.'

(<https://www.collinsdictionary.com/dictionary/english/sensitive>)

The Panel noted that the requirement to consider whether sexual suggestion is 'sensitive to the relevant audience' is a concept requiring them to consider who the relevant audience is and to have an understanding of how they might react to or feel about the advertisement – the concept of how subtle sexual suggestions is or might be is relevant to the Panel considering how children, and other sections of the community, might consider the advertisement.

The Panel noted the complainants' concern that the sexualised content was inappropriate for an advertisement shown before a children's movie.

The Panel noted that this cinema advertisement played before the movie Lion King which was rated PG. The Panel noted that the relevant audience for this advertisement would be broad and would likely include children.

The Panel considered that the kiss between the couple was clearly in the context of a range of acting situations and was not in itself explicit or the focus of the advertisement. The Panel noted that it had consistently determined that kissing is not a behaviour which is in itself overly sexualised or inappropriate for a broad audience (0375-18, 0318-18, 0111-18, 0072-18). The Panel considered that the advertisement did treat the issue of sexuality with sensitivity to the relevant broad audience.

Finding that this advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience, the Panel determined that the advertisement did not breach Section 2.4 of the Code.

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.