



**ADVERTISING  
STANDARDS  
BOARD**

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## Case Report

1	Case Number	0298/17
2	Advertiser	Sony Pictures Releasing Pty Ltd
3	Product	Entertainment
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	12/07/2017
6	DETERMINATION	Dismissed

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

This 30 second television commercial features scenes from the new comedy movie ROUGH NIGHT, which released in cinemas nationally on June 15, 2017. It shows a group of female friends meeting up at an airport for a hen's party, having fun together until their male guest is fatally injured and the friends try to figure out what to do next. The TVC displays the title of the film, release date and MA15+ classification and consumer advice.

### THE COMPLAINT

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

*It is sexually explicit - including gyrating scantily clad women. MA15 plus movie being advertised during a family program. My children (One aged 11) saw the ad and was a little distressed by it.*

### 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 notice of complaint regarding the advertising of the film ROUGH NIGHT, which was released in cinemas nationally on June 15, 2017. The TV advertising*

*campaign commenced on May 21, 2017 and finished on June 17, 2017.*

*All TVCs were submitted to CAD for rating before being delivered to the TV stations, as per regulation. The TVC was delivered to networks with the confirmed film rating advice with instructions to use during programs and timeslots appropriate for the CAD rating.*

*We received the following rating from CAD for the 30 second 'Moments Safe' TVC on June 7, 2017.*

*TVC Name: Moments Safe 30*

*Key Number: SPRRN302T*

*CAD Rating: J4UQTEPE*

*CAD Reference no: 1179624*

*The CAD guidelines state that TVCs rated as 'J' are suitable for PG rated programs and "may be broadcast at any time except during P and C (Children's) programs or adjacent to a P and C periods".*

*Network Ten have confirmed the TV commercial in question, 'Moments Safe' aired during Masterchef on June 14, 2017 at 8.14pm which is a PG rated program, and therefore adheres to the CAD guidelines.*

*The TV advertisement for ROUGH NIGHT does not breach any part of Section 2 of the AANA Code of Ethics. It does not discriminate, exploit or degrade any individual. It does not present or portray violence out of context or use obscene language and it doesn't depict material contrary to Prevailing Community Standards on health and safety. In regards to the specific part of Section 2 (2.4) identified in the complaint, the TV commercial in question treats sex, sexuality and nudity with sensitivity to the relevant audience.*

## **THE DETERMINATION**

The Advertising Standards Board (the "Board") considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the "Code").

The Board noted the complainant's concerns that the advertisement is sexually explicit and 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 2.3 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 this television advertisement promoting a new movie called Rough Night features scenes from the movie which include women dancing, and a woman jumping on to a seated man and accidentally killing him.

The Board noted the scene where we see a woman jumping in to the lap of a seated man, knocking him backwards, and then declaring that she 'killed a guy'. The Board noted in a

later scene we see the man fall from the roof of a car as it comes to a halt and fall down the bonnet on to the road. The Board noted the overall humorous tone to the advertisement and considered that whilst murder is not of itself funny in the Board's view the manner in which it is depicted in the advertisement is not graphic or violent and it's clearly in the context of a movie's content.

The Board noted in one scene we see a gun pointed at a group of women and considered that this scene is fleeting and is immediately followed by humorous scenes showing the women are okay. The Board noted that the theme of the movie is a hen's party gone wrong and considered that the scenes depicted are clearly in the context of a movie promotion and the level of violence is not inappropriate in this context.

Consistent with previous determinations for similar advertisements (0073/17, 0278/17), the Board considered that the advertisement did present or portray violence which was justifiable in the context of the product advertised 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 over the scene depicting 'gyrating scantily clad women'. The Board noted that this scene depicts the main characters in a nightclub dancing in a row and considered that the scene is fleeting but it's clear that the women are clothed and in the Board's view the women's dancing is not overly sexualised or inappropriate.

The Board noted the complainant's concern that the advertisement overall is sexually explicit. The Board noted that in one scene a woman announces that a stripper has arrived and then we see a woman running her hands down the naked torso of a well-muscled man. The Board noted that this scene is brief and considered that the level of nudity is mild and the scene is not strongly sexualised.

The Board noted the advertisement had been rated J by CAD which means it can be aired at PG times. The Board noted that while the movie itself is rated MA15+ the advertisement is rated according to the content of the advertisement and not the content of the whole movie. The Board noted the scenes featuring the women dancing and the stripper, but considered that these scenes are brief and are not explicit, the overall level of nudity is very mild and in the Board's view the content of the advertisement was not inappropriate for a broad audience which would include children.

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.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.

