



Case Report

1	Case Number	0301/12
2	Advertiser	Universal Pictures
3	Product	Entertainment
4	Type of Advertisement / media	TV
5	Date of Determination	08/08/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The advertisement is a trailer for a new movie called TED. It features clips from the movie including one where an animated teddy bear, Ted, is gyrating on a conveyor belt of a supermarket check out.

THE COMPLAINT

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

The ad is for a movie rated MA 15 + at a time of family viewing rated G. My children saw an ad with a bear doing sexual movements to a check out guide or object as well as other sexual content in the ad at time of the night when I did not expect it to be seen and enable me to not let my children see the ad say after 9.30pm when MA 15+ is usually shown from movies.

The ad showed sexual provocative movements by the Bear in the movie against a check out register point of sale machine and other sexual content in the ad and whilst my children were watching Fantastic Mr Fox. Showing a MA 15 + ad with the relevant content in a children's movie was inappropriate where I could not foresee the ad coming on at that time slot I was not able to protect my children 7 and 9 from the adult content in the ad.

I'm unhappy that this movie is being advertised so early of the evening - a time that young children are still getting ready for bed.

Tonight was the 2nd time this week I've seen the ad before 8pm.

The fact that it shows an animated teddy bear - generally a child related character - doing sexual acts is completely inappropriate and confusing to be seen by young children.

THE ADVERTISER'S RESPONSE

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

We don't believe the TVCs are in breach of the code as they have received a rating from CAD and are therefore appropriate for the time in which they were aired.

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 features material which is sexual in nature, is offensive and is inappropriate for viewing by children.

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 was for a movie called Ted. The movie stars Mark Wahlberg and the advertisement features scenes from the movie including one where an animated teddy bear, Ted, is gyrating on a conveyor belt of a supermarket checkout.

The Board noted that the Bear gyrating could be considered sexualised by some members of the community but considered that the Bear's actions would unlikely be understood by young children.

The Board noted that some members of the community would prefer not to have any sexual references or nudity presented in advertisements however the Board considered that in this instance the images of Ted moving in a sexualised way were directly related to the film and were not explicit, and not inappropriate to show this material in the context of promoting the movie.

The Board noted the advertiser's response that the advertisement complied with Commercial Television Industry Code of Practice and the advertisement was classified with a "J" rating and only appears in the appropriate timeslots for the rating given.

Based on the above the Board considered that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant PG 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 complaint.