



Ad Standards Community Panel
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Case Report

1. Case Number :	0303-19
2. Advertiser :	Radio Metro 105.7
3. Product :	Media
4. Type of Advertisement/Media :	Internet - Social - Facebook
5. Date of Determination	25-Sep-2019
6. DETERMINATION :	Upheld - Modified or Discontinued

ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity
AANA Code of Ethics\2.5 Language
AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This Facebook advertisement features the trailer for the film "Good Boys".

THE COMPLAINT

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

It's Not ok. How are they normalising this behaviour. Young kids could watch tthis. Drug use sex and foul language. They are little kids why is normalising this in the form of entertainment ok.

On one hand we throw george pell in jail for protecting peadophiles which is 100 percent correct but then advertise this smut that kids xan watch in the form of entertainment. How is this ok.



THE ADVERTISER'S RESPONSE

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

The complaint was made regarding the promotion of a Movie Trailer on the Radio Metro Facebook Page. Radio Metro shared the link to the Trailer that was on the Good Boy Movie official facebook book page on the Radio Metro facebook page. Radio Metro hosted the Premier Screening of the Movie on the Gold Coast and this was shared to our audience as part of the promotion to win tickets to the evening.

Radio Metro is a youth community radio station on the Gold Coast, as such our target demographic is 15-30 year olds. The music and content we play and produce is aimed directly at this audience. We are in no way a children's radio station and we do not play or produce any content or target an audience that is younger than 15. The movie in question is Rated MA 15+ and it was felt was in line with our audience.

During this promotion over 2000 people entered to win tickets to this film, the station did not receive any negative feedback about this film from our listeners. We feel that this indicates that the movie was relevant to our listenership and thus it was appropriate to share the trailer.

The promotion in question was on facebook and the link we shared was widely available on this platform we did not create or edit this content we simply shared content that was existing in the medium. Facebook itself has a recommended age guideline of 13, the movie was rated 15+ and Radio Metro is a 15+ station so we feel that it was appropriate to share this content on our page.

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 concern that the advertisement features drugs, sex and swearing.

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

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 noted the Practice Note for the Code states:



“Images which are not permitted are those which are highly sexually suggestive and inappropriate for the relevant audience. Explicit sexual depictions in marcomms, particularly where the depiction is not relevant to the product or service being advertised, are generally objectionable to the community and will offend Prevailing Community Standards.”

The Panel noted the complainant’s concern that the advertisement features sexual references.

The Panel considered whether the advertisement depicted 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 a scene in the advertisement depicts the boys viewing a pornography website and includes the phrases “how many husbands does she have?” and “that guy didn’t even know how to kiss he was just licking that woman’s asshole. You wanna kiss an asshole, Max?”. The Panel considered that this scene was clearly demonstrating that the boys had viewed sexual intercourse, and the Panel considered that the advertisement did depict sex.

The Panel considered whether the advertisement depicted 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 a main theme of the advertisement is the boys attending their first party and their desire to kiss a girl, and noted a scene involving a sex swing. The Panel considered that the advertisement did depict sexuality.

The Panel considered whether the advertisement contained nudity and noted that the dictionary definition of nudity includes ‘something nude or naked’, and that nude and naked are defined to be ‘unclothed and includes something ‘without clothing or covering’. The Panel considered that the Code is intended for the Panel to consider the concept of nudity, and that partial nudity is factor when considering whether an advertisement firstly contains nudity and secondly treats that nudity with sensitivity to the relevant audience.

The Panel considered that although the scenes from the film indicate the boys may have seen naked people, there is no nudity in the advertisement.

The Panel considered whether the advertisement treated the issues of sex and 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're 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 considered 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 suggestion is or might be relevant to the Panel considering how children, and other sections of the community, might consider the advertisement.

The Panel noted that the advertisement aired on Facebook and considered that the relevant audience for this advertisement would be broad and predominately adult.

The Panel noted that there a scene feature mild kissing in the advertisement but considered that this scenes is brief and is not explicit.

The Panel noted that there were scenes in the advertisement that referenced sex and discussions about sex, and a scene which depicted the boys watching pornography. The Panel considered that it was reasonable for an advertiser to include movie scenes in the advertisement for the movie, and that any sexual references in these scenes were relevant to the product being advertised.

The Panel considered that while the overall advertisement may have some references to sexual activity there is no explicit sexual behaviour depicted, and in the context of an advertisement for a film rated MA15+ which was broadcast on Facebook to an audience that would be predominately adult, the advertisement was not inappropriately sexualised.

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

The Panel 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 Panel noted the complainant's concern that the language in the advertisement was offensive and inappropriate for children to view.

The Panel noted that the word "fuck" is used several times in the advertisement, including:

"Fuck ya'll" – used by Seth Rogan towards boys.

"Get the fuck outta here Annabelle" – used by one boy towards a girl.

"What the fuck?" – used in surprise.



“Hey Stranger Things, go fuck yourself” – used by male teenager towards boys.

“You had us bring drugs to a fucking playground” – used by one boy toward female teenager.

“What if a fox eats it and tries to fuck a squirrel” – used by one boy in relation to leaving drugs in the forest.

The Panel noted other language in the advertisement, including:

“You little shit” - used by one boy towards a girl.

“I’ll grow a tiny penis like Thor’s” - used by one girl towards a boy.

“That guy didn’t even know how to kiss he was just licking that woman’s asshole. You wanna kiss an asshole, Max?” – used by boys after finding pornography on computer.

“You guys are just little badasses” – used by female teenager towards boys.

The Panel noted the Practice Note to Section 2.5 which states:

“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”, “bloody”, “cheap bastard”, “bum”, and “balls”.”

The minority of the Panel considered that although the word “fuck” is used frequently and is used in an aggressive manner towards other characters, this advertisement appeared on Facebook where the audience is predominately adult. The minority noted that the word “asshole” is used in a sexual manner, but considered that the word itself is not obscene. The minority noted that the advertisement is over three minutes long, and that most viewers would not hear the majority of the language unless they watched the whole advertisement.

The minority of the Panel considered that in the context of a film rated MA15+ and an audience that would be predominately adult, the language in the advertisement was not overly explicit.

The majority of the Panel considered that in many instances, the word “fuck” is used in a loud and aggressive manner towards another character.

The majority of the Panel noted that the spoken words in the advertisement were transcribed into text on screen, and considered that this heightened the impact of the language.

The majority of the Panel noted that some members of the community may considered that “fuck” has entered common usage and its ability to cause offense has diminished over the years. However the majority considered that in the context of this advertisement, when it is repeatedly used in an aggressive and demeaning manner, it is strong language and is inappropriate for a broad audience.

Consistent with the Practice Note, the Panel considered that the advertisement did not use language which was appropriate in the circumstances and did contain strong



or obscene language. The Panel determined that the advertisement did breach Section 2.5 of the Code.

The Panel considered whether the advertisement was in breach of Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Panel noted that the advertisement references drug use, when Seth Rogan puts drug paraphernalia into a cupboard at the start of the advertisement, and when a reference to “molly” is made.

The Panel considered that cannabis use, distribution and possession is illegal in Australia, although possession of small amounts has been decriminalised in some states and territories. The Panel noted that cannabis was not actually depicted in the advertisement, and that people unfamiliar with the use of cannabis may be unlikely to understand what Seth Rogan is putting away. The Panel noted that Seth Rogan states “those were vases”, and considered that the drug paraphernalia depicted did look similar to vases, and considered that most children would be likely to accept that explanation.

Overall, the Panel determined that the advertisement did not breach prevailing community standards on health and safety in relation to drug use.

Finding that the advertisement did breach Section 2.5 of the Code, the Panel upheld the complaint.

THE ADVERTISER’S RESPONSE TO DETERMINATION

We will remove all requested material from our page.