



## Case Report

1	Case Number	0308/16
2	Advertiser	Twentieth Century Fox Film Distributors Pty Ltd
3	Product	Entertainment
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	27/07/2016
6	DETERMINATION	Dismissed

### ISSUES RAISED

- 2.5 - Language Inappropriate language
- 2.5 - Language Strong or obscene language

### DESCRIPTION OF THE ADVERTISEMENT

This 15 second television advertisement is promoting the film 'Mike and Dave Need Wedding Dates' and features the two main male leads, Zac Efron and Adam Devine, who are looking for nice, respectable dates for their sister's wedding in Hawaii. Anna Kendrick and Aubrey Plaza play two girls whose lives are a bit of a mess and they scam the boys into thinking they are polite, well behaved girls. The rest of the 15 second advertisement features the girls behaving badly in Hawaii and one of the boys accidentally hitting his sister with an ATV and bruising/hurting her face the day before her wedding.

### THE COMPLAINT

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

*The movie ad says the words shit & fuck .*

*This is broadcast on a family friendly time slot it is not okay to have the swearing at this time.*

*It clearly includes a scene where a character swears using the word 'shit'. I understand swearing in programs and although I would prefer that only at later time slots, I can't believe swearing in advertisements is okay or necessary. Especially at children friendly times.*

## THE ADVERTISER'S RESPONSE

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

### *Details of Advertisement:*

*The advertisement is a 15 second television commercial to promote the film MIKE AND DAVE NEED WEDDING DATES. The film is targeted towards young adults and is MA rated. All of the television commercials we used throughout the campaign went through the Free TV Australia rating board and were placed on TV in accordance with the ratings the advertisements were independently given by that board. The advertisement the two complaints reference features the two main male leads, Zac Efron and Adam Devine, who are looking for nice, respectable dates for their sister's wedding in Hawaii. Anna Kendrick and Aubrey Plaza play two girls whose lives are a bit of a mess and they scam the boys into thinking they are polite, well behaved girls. The rest of the 15 second advertisement features the girls behaving badly in Hawaii and one of the boys accidentally hitting his sister with an ATV and bruising/hurting her face the day before her wedding. Both complaints were solely in reference to the language used in the advertisement. The word "shit" is spoken in the advertisement and it is the only rude word spoken. It is not said in an aggressive tone and it is not directed towards another person. I have attached the advertisement for your reference.*

### *Details of Complaint:*

*Complaint Reference Number: 0255/16*

*Two complains have been received (as far as we have been notified). Both reference the language used in the advertisement that aired at just prior to 7pm on The Project on July 7 as the advertisement does feature the word "shit". The TV commercial was a 15 second advertisement that was rated J by the Free TV Australia rating board. According to the placement code guidelines, a J rated spot requires parental guidance and may be broadcast at any time of day accept in children's specific programming. The traffic department at Network ten was provided with two 15 second spots, one was rated J and one was rated a softer PG. I direct the network to rotate the two spots in at 50% rotation each based on when a J or PG rating was required. The Project requires a J rated spot and thus, that commercial was featured. Please note that one of the complaints states that the word "fuck" was used in the advertisement. This is unequivocally untrue. The word "fuck" is not said or written at any point throughout the advertisement.*

### *Justification:*

*As requested the following is in direct reference to the remaining parts of Section 2 of the Australian Association of National Advertisers (AANA) Code of Ethics.*

#### *2.1 Discrimination or vilification*

*The advertisement in no way discriminates or vilifies any person or section of any community with regards to race, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief. In the advertisement featured, no nationality, gender, age, sexual*

*preference, religion, disability, mental illness or political belief is referenced in any way.*

## *2.2 Exploitative and degrading*

*The advertisement in no way employs sexual appeal in a manner that is exploitative or degrading. The artwork is cheeky in nature but not overtly sexualised.*

## *2.3 Violence*

*At one point in the advertisement a character accidentally hits another character with an ATV vehicle. The character that is hit with the ATV is shown in the very next scene so it is clear that they are alright apart from some bruising/damage to the face. There is no other violence featured in the advertisement in any way and no violent threats or gestures are made.*

## *2.4 Sex, Sexuality and nudity*

*The advertisement in no way references sexuality, sex or nudity.*

## *2.5 Language*

*The advertisement does feature the word “shit” however, this advertisement was submitted to CAD for rating as was rated J. As a J rated advertisement it can legally be featured in The Project as it is not a P or C rated program and it is not adjacent to a P or C rated program. We did provide the network with a softer advertisement that did not feature the word “shit” for programming that required softer content. Just to reiterate, although one of the complaints references the word “fuck” the word is not used at any point in the advertisement. Language is not used in a violent, derogatory or aggressive way and the language is not used in reference to another person.*

## *2.6 Health and Safety*

*The advertisement does feature an ATV crash and a character getting hurt. However, the character is shown to be fine apart from some bruising to the face and the crash is clearly an accident in nature. Other than this there are no other dangerous activities carried out and in no way does the advertisement encourage others to attempt anything dangerous in nature.*

*In addition to abiding by all codes set out by the AANA Codes of Ethics we have also ensured that although the film being advertised, MIKE AND DAVE NEED WEDDNG DATES, is not targeting children, that the advertisements promoting the film are not overly violent or overtly sexualised in nature. These two complaints are the only complaint we have received regarding the advertising of this film across any medium.*

*In sum, the advertisement used abides by all of the codes and guidelines established by the AANA Code of Ethics and therefore, should withstand the complaints received.*

## **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 uses swearing.

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

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 that the television advertisement feature scenes from the new movie, ‘Mike and Dave Need Wedding Dates’ which is currently airing in cinemas.

The Board noted the complainants’ concerns about the use of swearing, in particular using the words ‘shit and f...’. The Board noted the advertiser’s response that the word “shit” is spoken in the advertisement and although it is the only rude word spoken, it is not said in an aggressive tone and it is not directed towards another person. The advertiser further noted that the word “f...” is not said or written at any point throughout the advertisement.

The Board noted that the word ‘shit’ is used by one of the female actors in the advertisement but considered it was not used in an aggressive or offensive manner. The Board considered that 'shit' is a word that is in relatively common use for adults in Australia.

The Board noted the practice note to this section of the Code states that: 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” etc.

The Board noted that the advertisement was rated ‘J’ by CAD so is not broadcast during P and C programs or adjacent to P and C periods and was not inappropriate.

The Board determined that the advertisement did not breach Section 2.5 of the Code.

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

