



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0309/10</b>
<b>2</b>	<b>Advertiser</b>	<b>Kosciusko Thredbo Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>Leisure &amp; Sport</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Cinema</b>
<b>5</b>	<b>Date of Determination</b>	<b>14/07/2010</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.3 - Sex/sexuality/nudity      Treat with sensitivity to relevant audience

### DESCRIPTION OF THE ADVERTISEMENT

Two men, wearing red trousers, approach two young women in the street. One of the men asks them, "Excuse me, just wondering if you could do this?" Music starts playing and both men are shown doing exaggerated hip thrusts. The men are then shown doing the hip thrusts with other people, some of whom join in. The women are told "You're in" and are handed a small slip of paper. One man gets shown being told he is not in.

We then see the two men surrounded by women, all doing the hip thrusts, and when the camera pans down we see that the two men are on skis. One of the men asks the other, "Do you think we should recruit some guys, too?" then they both look at each other and say in unison, "Nah!"

You then see a close up of the piece of paper they were handing out and it is a Thredbo lift pass.

A male voice over says, "Thredbo. Are you in?" and the type [www.thredbo.com.au](http://www.thredbo.com.au) appears at the bottom of the screen.

### THE COMPLAINT

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

*Recently my wife and 6 children decided that we would view 2 films at Event cinemas. Half of the family attended Shrek (part 3) and the other half attended Toy Story 3. The Advertising Standards Board have let me my family and other families down with beaurocratic waffle*

*given in your previous response to my previous complaint about the same advertisement 4 months ago (initial letter below).*

*Event Cinemas flagrantly disregarded your weak attempts to caution them and exposed all my children (in both cinemas) to advertising that was of explicit sexual nature. Again. If this initial complaint was defended properly my family and countless others would not have pelvis thrusting in childrens faces. This is negligent and an irresponsible duty of care to our children.*

*If you haven't picked up I am outraged when I see my children and other little ones (my children were 1 3 and 7 in one cinema and 6 10 and 12 in the other) exposed to advertising clearly not appropriate for CHILDREN'S FILMS that wer RATED 'F' FOR FAMILY NOT 'F' FOR FORNICATION. For goodness sakes this is infuriating.*

*Ban the commercial outright. Fine Events cinemas and take a good look at yourselves to determine whether you have your procedures and policies in place to ensure this doesn't happen anymore. Goodness knows how many have been exposed to this unrestrained display of pelvic thrusting.*

*A copy of my past letter is written below and outlines my reasons for objecting.*

*Event cinemas have continued unabashed at exposing my children to the Thredbo commercial. It:*

*? Features pelvic thrusting of a sexual nature which supposedly has some skiing connection.*

*? is too explicit for a public location.*

*? encourages boys and girls to see actions of this nature as entirely appropriate for public (and private) display.*

*? were this in a workplace it would be construed as inappropriate as sexual harassment even*

*? desensitizes impressionable young minds skewing for them what is or is not safe/appropriate behaviour*

*? with the increased concerns around sexting now also a concern in primary schools and with young kids grooming others for sex also in primary schools such visual messages makes younger children ever more vulnerable to this kind of abuse*

*? What will this lead to? More teenage pregnancies abortions secondary depression etc One key measure of a healthy society is one which protects and nurtures young people and knows the clear distinction between healthy sexuality and the sexualisation of their young purely for money.*

*This is an outrageous display of poor management and lack of standards or enforcement and advertising material of this sort has not been coupled with the same scrutiny as the film it accompanies.*

*We urge you not to let this happen for the sake of our children.*

*The cinema chain does not care about young children just filling the pockets from ticket sales and advertising campaigns. It demonstrates your ineffectiveness at holding them to account since you were warned of this infringement in a previous letter. Shame on you both. I will be writing to my member to bring this nonsense to an end. How dare you let this happen to our children.*

## **THE ADVERTISER'S RESPONSE**

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

*In relation to the current complaint, I agree that it would not be appropriate to screen such an advertisement before a G or PG rated film. It appears that it was screened once again in error.*

*As previously advised, the scheduling of AHL house advertisements is determined centrally at AHL head office. Each cinema site is then sent a schedule that details which AHL house advertisements are to be screened, and the date and timing of such screening. The schedule is carefully prepared by head office having regard to the target audience and classification of the accompanying film. In this instance it was our specific instruction that the ad be not screened with G and PG rated films.*

*I have not been able to determine why AHL's house advertisement schedule was not followed on this particular occasion.*

*In action to address this issue regardless of location and date, we immediately spoke directly with several cinema locations in the surrounding suburbs of where the complainant resides, to re-iterate the house schedule in relation to the Thredbo commercial and the importance of abiding by it. Also as a blanket measure, correspondence has been circulated to ALL Event, Greater Union and Birch Carroll and Coyle locations in relation to this matter and ensuring G and PG films are excluded. This has been copied to projection and management level staff to reinforce the seriousness of compliance.*

*I can assure the ASB and the complainant that this has not been an intentional breach and is a case of unfortunate and regrettable human error.*

## **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 concern that the advertisement features pelvic thrusting of a sexual nature; is too explicit for a public location; would be considered sexual harassment if in a workplace; is inappropriate for young children to view.

The Board first considered whether the advertisement met the requirements of section 2.3 of the Code which is that advertisements ‘must treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone.’

The Board noted that this Thredbo advertisement appears in the context of a campaign about people saying ‘I’m in’ to the fun at Thredbo. The Board considered that the depiction of ‘pelvic thrusting’ in the advertisement could be interpreted initially as a sexually suggestive move although it becomes clear throughout the advertisement that the movements are intended to simulate skiing movements. The Board considered that the advertisement is mildly sexually suggestive but is clearly intended to be a depiction of a humorous way of picking people to come to Thredbo.

The Board noted that the advertiser had instructed that the advertisement not be screened with G and PG rated films. The Board is aware however, from information provided from the complainant and from the Bureau, that this advertisement has screened in cinemas in G and PG rated movies. The Board noted that the advertiser has asked that this not occur but that it has continued to occur. The Board asked that the cinema industry be requested to provide details of what actions it takes to ensure appropriate screening of advertisements in order for the Board to be able to make decisions under the Code based upon proper information about when such advertisements will or will not be screened.

The Board considered that the advertisement was not inappropriate for a mature audience and considered also that young children would not understand the sexual connotation in the advertisement. The Board considered that, in the context of the advertiser's instructions not to screen the advertisement in a G or PG movie, the advertisement did treat sex with sensitivity to the relevant audience.

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