



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0313/14</b>
<b>2</b>	<b>Advertiser</b>	<b>Sony Pictures Releasing Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>Entertainment</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Poster</b>
<b>5</b>	<b>Date of Determination</b>	<b>27/08/2014</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.5 - Language Inappropriate language

## DESCRIPTION OF THE ADVERTISEMENT

At the entrance to Event Cinemas Indooroopilly posters promoting the comedy film 'Sex Tape', feature an image of the stars Cameron Diaz, Jason Segel and the release date July 17.

## THE COMPLAINT

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

*The cinema is a place where many people of all ages go. Whilst ratings prevent access to minors to movies with certain ratings, nothing prevents the many children who attend the cinema from being greeted with the huge "Sex Tape" sign as they walk in. Surely a society we can provide some public spaces free from sexually explicit advertising. A family should be able to take their kids to the cinema without being bombarded with a huge advertisement for a "Sex Tape" movie. Such advertising exposes children to concepts far beyond their years and understanding. There is no way in this cinema for children to avoid this exposure. It is also visible to those walking to the public library next door. I ask that the cinema removes this sign and spares children this indecent exposure to sexually explicit concepts.*

## 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 letter of complaint regarding our posters in the foyer of Event Cinemas in Indooroopilly for our film Sex Tape, which released on Thursday July 17 nationally.*

*The posters were distributed by Sony Pictures Releasing to the cinema to promote the release of the film. The creative was produced by our US studio and has been used worldwide. The concept was to position the film as a comedy to a mature audience, and the image of the male running and the female in a jumping jack position to cover up the title of the film, was to reinforce the comedy aspect of the film in line with the tagline for the movie 'the chase to erase begins', and which both actors are usually associated with comedy films.*

*The artwork was not designed to be seen in a discriminatory manner, degrading, violent, crude or sexual in nature. The wording 'Sex Tape' on the artwork is the actual name of the film that we are advertising. In addition, we did not intentionally target children with the advertising.*

*Once the posters have been delivered, placement of the posters within the location are at the discretion of the cinema. As the film was released on July 17 and is currently at the end of its season at the site, we have been advised that the posters have been replaced with advertising for another film.*

## **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 depicts the name of a movie which is not appropriate for display in the foyer of a cinema where children can read it. 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 the advertisement features the name of the movie, "Sex Tape" in large letters with an image of the two main actors in front of the words. The Board noted it had recently considered complaints about this same image when it appeared on transport in case 0273/14 where:

"The Board noted that some members of the community find the word, 'sex' to be inappropriate and that it had previously upheld complaints about the use of this word when used on transport in case 0350/12 where:

"The Board considered that the placement, size, and bold colours of the current advertisement do make the advertisement very visible and the nature of the advertisement (covering a car in a convoy of identically covered cars) makes it available to a broad community which would include children. The Board noted that recent research on community standards (ASB Community Perceptions 2012) which was undertaken by Colmar Brunton Social Research earlier this year indicated that the community is more conservative regarding advertising relating to sex, sexuality and nudity particularly where children may be exposed to such advertising.

The Board considered that consistent with its previous determinations in cases 278/08 and 414/09, the phrase "longer lasting sex" is not medical or clinical but is a blatant message about the sexual act and is a message which is not appropriate for a broad audience."

In the current advertisement the Board noted that the advertised product is a movie called 'Sex Tape' and considered that although the size and red colouring of the wording does make it more visible in the Board's view there is a difference between an advertisement using the word 'sex' to promote a sexual performance enhancement product and an advertisement promoting a movie with the word 'sex' in its title. The Board noted that the placement of images of the two main actors in the movie in front of the wording does lessen the impact slightly and considered overall that the name of the movie, 'Sex Tape', is not inappropriate for use on an advertisement which can be seen by children.

The Board noted the images of the actors used in the advertisement. The Board noted the complainants' concerns that the image of Cameron Diaz is not appropriate due to her clothing and pose. The Board noted that Cameron is depicted wearing cotton undies and singlet and considered that this clothing covers her private areas and is not revealing. The Board noted that Cameron is posed in a jumping jack with her arms and legs spread out. The Board noted that Jason Segel also has his arms and legs spread out and considered that the overall impression of the two actors is that in reference to the story line of the movie they are trying to cover up the words "Sex Tape" with as much of their bodies as they can. The Board noted that Jason Segel is wearing more clothing than Cameron but considered that overall Cameron is not posing in a sexualised manner and her clothing is not of a sexual nature."

Consistent with its previous determination the Board considered in this instance that the name of the movie, 'Sex Tape' and the image of the actors from the movie is not inappropriate for children to view in the context of a movie poster at the cinema.

Based on the above the Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience attending a cinema venue. The Board determined that the advertisement did not breach Section 2.4 of the Code.

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 and strong or obscene language shall be avoided".

The Board noted the complainant's concern that the word "sex" should not be used. The Board acknowledged that some members of the community may feel uncomfortable about the use of the word 'Sex' in an advertisement but considered that its use in the context of a name of a movie is not of itself inappropriate in the circumstances.

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.