



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0321-19
2. Advertiser :	Universal Pictures
3. Product :	Entertainment
4. Type of Advertisement/Media :	Internet - Social - Other
5. Date of Determination	13-Nov-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

DESCRIPTION OF ADVERTISEMENT

This YouTube advertisement is for the film "Good Boys" and features scenes from the movie, including:

- a boy's voice stating "Here's the plan, I'm going to go to the kissing party, with a beer so everyone knows that I'm not a fucking child." His friend responds, "so rude".
- a young girl spinning a bottle on the ground before kissing a boy while another boy looks at them disgusted.
- a young boy stands in front of a fridge full of beer in a shop and looks around.
- the young boy readjusts something in his pants while attempting to leave a store. A policeman asks him "what do you have in your pants?" The boy responds, "my penis". The policeman says, "pull it out" and the boy removes a beer bottle from his pants. He says, "I also have a big dick".

THE COMPLAINT

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

The trailer was extremely offensive, with a child using the f-word, and vulgar references to the male anatomy. This type of advert/trailer should not be shown. I was unable to prevent my kids from hearing and seeing this corrupting material, due to the



lack of warning and short duration of the teaser trailer. We feel we could sue the advertiser for the psychological damage this has done to our children. This is very serious in deed, and we want definite action taken over this.

THE ADVERTISER'S RESPONSE

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

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 concerns that:
The advertisement features a child using the f-word
Features vulgar references to the male anatomy
The advertisement was played before a family orientated video*

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. 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 noted the scene where the children are playing spin the bottle and a young girl and boy kiss, with saliva in a string between their mouths as they pull away. The Panel considered that the depiction of the kiss is in the context of a well-known game played at children's parties and the kiss is depicted in a gross way, with one young boy reacting with disgust. The Panel considered that the kiss was not sexually stimulating, or suggestive behaviour and that the advertisement did not contain sex.

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 noted that all people depicted in the advertisement were fully clothed, and that the advertisement did not contain nudity.

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 for the application of the term in the Code, the use of male or female actors in an advertisement is not of itself a depiction of sexuality.

The Panel noted that the young boy makes two comments about his penis, in relation to trying to steal a beer in his pants. The Panel considered that the young boy's reference to the size of his genitalia could be considered a depiction of sexuality.

The Panel also considered that the reference to a kissing party and the depiction of children playing the spin the bottle game and kissing could also be a depiction of sexuality, as although the actors are depicted as children – the theme of the movie and of these scenes is of preteens and teens discovering about sex and their own developing sexuality.

The Panel then considered whether the advertisement treated the issue of 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 are 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 is relevant to the Panel considering how children, and other sections of the community, might consider the advertisement.

The Panel noted the complainant's concern that the video played without the ability to skip before a family orientated video.

The Panel noted the advertiser's response that the advertisement was carefully targeted at younger audiences aged 13 to 25 with a male skew, and male Seth Rogan fans aged 25 to 34.

The Panel considered that advertisement content on YouTube is served on the basis of who is logged into the account, not the type of content being accessed. The Panel acknowledged that adults would sometimes be logged into their own accounts to allow children to watch videos, however considered that this scenario is outside of the advertiser's control. The Panel considered that the advertisers had taken the appropriate steps to ensure that the advertising material was targeted towards people over the age of 13.



The Panel noted that the Practice Note for the Code provides: “Models who appear to be minors should not be used in sexualised poses.”

The Panel considered that the references to the boy’s genitalia were made in the humorous context of a young boy trying to sound more grown up than he is. The Panel considered the adults react to the young boy’s comments as though they are humorous and the boy is not sexualised or treated as a sexual being by the adults.

The Panel considered that the reference to the kissing party and the depiction of the two preteens kissing was in the context of a well-known coming-of-age movie theme, and was not a depiction which inappropriately sexualised the children.

The Panel considered that the sexual references and depictions in the advertisement were mild and would not be considered inappropriate by an audience of people over the age of 13.

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

The Panel then 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 advertiser’s response that it was justifiable for an advertisement for a film which featured sexual themes and language references to contain sexual themes and language.

The Panel noted that this YouTube advertisement was targeted at people over the age of 13, mostly males, who would be the target demographic for the movie.

The Panel noted the complainant’s concern that the advertisement featured a child saying the ‘f-word’.

The Panel noted the Practice Note for the Code provides that, “The “f” and “c” words are generally not permitted.”

The Panel considered that the community generally has a higher level of concern about strong language when it is spoken by a child.

The Panel note that it had previously considered a complaint for a television advertisement featuring a young boy appearing to swear in case 0466-17. In this case:

“The Board considered that the depiction of a young boy appearing and sounding to utter a strong swear word, where the inclusion of a beep over his voice accentuates and increases the impact of the implied language is not appropriate in the context of



promoting a food product. Consistent with its previous determinations in case 0423/17, 0013/11 and 0261/15, the Board considered that the advertisement's strong inference of a child saying strong language is inappropriate and determined that the advertisement did breach Section 2.5 of the Code."

A minority of the Panel considered that the child's language was in the context of the movie being promoted and that the language used would not be unfamiliar to or inappropriate for a YouTube audience of people aged 13 and over.

The majority of the Panel considered that many adults, would be uncomfortable hearing strong language by a child spoken in such an aggressive manner. The majority of the Panel considered that most members of the community would not expect to hear the word 'fucking' spoken by a child in an advertisement before a YouTube video, especially before videos which did not contain strong language.

The Panel considered that the advertisement did contain strong and obscene language and 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 young boy in the advertisement makes a comment that he wants to take a beer to a party so that people don't think he's a child, then attempts to steal a beer from a shop.

The Panel considered that the advertisement did not condone or encourage underage drinking, and depicted the consequences of the boys actions through the depiction of him getting caught.

The Panel considered that the advertisement did not depict material contrary to prevailing community standards on alcohol consumption and did not breach Section 2.6 of the Code.

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

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 concerns that:

- The advertisement features a child using the f-word
- Features vulgar references to the male anatomy
- The advertisement was played before a family orientated video



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. 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 noted the scene where the children are playing spin the bottle and a young girl and boy kiss, with saliva in a string between their mouths as they pull away. The Panel considered that the depiction of the kiss is in the context of a well-known game played at children's parties and the kiss is depicted in a gross way, with one young boy reacting with disgust. The Panel considered that the kiss was not sexually stimulating, or suggestive behaviour and that the advertisement did not contain sex.

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The Panel then considered whether the advertisement treated the issue of 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 are sensitive to other people's needs, problems, or feelings, you show understanding and awareness of them.'
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The Panel considered that the sexual references and depictions in the advertisement were mild and would not be considered inappropriate by an audience of people over the age of 13.

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



The Panel then 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 advertiser’s response that it was justifiable for an advertisement for a film which featured sexual themes and language references to contain sexual themes and language.

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The Panel considered that the advertisement did contain strong and obscene language and 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 young boy in the advertisement makes a comment that he wants to take a beer to a party so that people don’t think he’s a child, then attempts to steal a beer from a shop.

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The Panel considered that the advertisement did not depict material contrary to prevailing community standards on alcohol consumption and did not breach Section 2.6 of the Code.

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

THE ADVERTISER’S RESPONSE TO DETERMINATION

The advertiser has confirmed that the campaign has finished and the advertisements are no longer running.