



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0322-19
2. Advertiser :	Universal Pictures
3. Product :	Entertainment
4. Type of Advertisement/Media :	TV - Free to Air
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
AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

There are three versions of this television advertisement which contains scenes from the film "Good Boys".

The 'J' rated version features:

- a young boy in a cafeteria saying to another boy, "I'm having a party tomorrow, are you in?"
- A voice over of a preteen boy saying, "we're going to go to the party, with a beer"
- 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?" and the boy removes a beer bottle from his pants. The policeman says, "put it back". Another boys asks him, "are we in trouble?" and the policeman responds, "Just promise not to do it again Ok" and a third boy promises and thanks him. The first boy is then seen standing in front of the beer fridge and looking around.
- The three boys are standing next to a busy highway and one of them comments that the party is just across the road. One of the boys screams and runs across the road causing cars to crash into each other.
- An older teenager does a backflip and crashes into a table tennis table which is set up for beer pong.
- A young boy screams and fires a paint ball gun, hitting an older teenage in the face



- A young boy riding a bike is screaming as he goes down a hill, crashes into a bench and flies off the bike into the side of a van. He stands next to the van with two friends and an adult and tells them he is fine, while one of his arms appears to be dislocated. His two friends gag and the adult says, "oh hell no".

The 'M' rated version features:

- a boy's voice stating, "you cannot go to a kissing party not knowing how to kiss".
- a young girl spinning a bottle on the ground before kissing a boy while another boy looks at them disgusted.
- three boys are seated around a computer and one of them says, "I have an idea", he then appears to type the word 'porn' into a search engine. The boys react in horror to what they see on the screen
- a boy says, "if we don't get to that party I'll die".
- A boy riding a bike crashes into a bench and flies off the bike into the side of a van. He stands next to the van with two friends and an adult and tells them he is fine, while one of his arms appears to be dislocated. His two friends gag and the adult says, "oh hell no".
- the three boys are seen dancing on a lit-up dance floor
- the three boys are seen standing on tables in a busy food court
- A boy says to his friends, "guy's there's something I have to show you". He is then seen sitting in a sex swing in a bedroom. One of the boys comments, "an indoor swing" excitedly, and the three boys are seen playing on the swing. A younger girl enters the room and says, "that swing is for sexing. People do sex on it".

The 'A' rated version features:

- 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:

I was watching the Simpson's with my 2 boys aged 10 and 12. The Good Biys trailer advertisement came on and featured the word Fuck. Both my children were shocked. It was unacceptable during a children appealing show



The ad portrays a 12 year old child in a sex swing. It was shown during half time of an AFL football preliminary final just after 5.30pm. Highly inappropriate time for the ad to be showing given the audience for the finals. This ad has additionally been shown during broadcasts of Channel 10's show 'The Project', again in a family time slot. R rated movies should only be advertised in R timeslots.

The add featured the F word unfiltered. The movie was rated MA however the TV program I had chosen to watch with my family (Have you been paying attention) was not and I do not appreciate being shocked like this.

These boys were eight years old and using the word "fucking". In the other TV version shown at another instance they are playing with sex toys and tampons. I am watching a PG rated television show with my young family and this advert is completely inappropriate for the show it accompanies.

THE ADVERTISER'S RESPONSE

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

The below response is in relation to the complaints received regarding the UNIVERSAL PICTURES advertising for GOOD BOYS, specifically in regards to the TVC advertisements depicting sex/nudity/language which has caused offence to some viewers.

Universal Pictures International Australasia adhere to the AANA Advertiser Code of Ethics.

Section 2.4 & 2.5 of the Code states "Advertising or Marketing Communications shall not present or portray sex/nudity/language unless it is justifiable in the context of the product or service advertised."

Good Boys is a comedy film which contains sexual & language references. It would therefore be reasonable to justify that our advertising materials have been produced within the context of the product being advertised.

Universal Pictures strive to advertise films of this content in a manner that remains appropriate for all consumers.

All advertising content from Universal Pictures is broadcast on FTA TV once rated by the Commercials Advice Board which is industry compliant with the advertising standards code of conduct.

To ensure due diligence, prior to activity going live IMD (on behalf of Universal Pictures) liaises with CAD to obtain approval on the GOOD BOYS TVC spots.



Universal Pictures produced a number of TV spots for the GOOD BOYS TV campaign and each spot was classified by CAD:

The TV spot titled RunNoSwear received a J rating.

In this instance, we obtained CAD clearance to display the advertisement according to the guidelines provided for a J rating.

The following approval was obtained by Universal Pictures from CAD:

Parental Guidance/Warning "J" Definition: Parental Guidance Recommended/Care in placement May be broadcast at any time of day, except during P and C programs or adjacent to P or C periods. Exercise care when placing in programs principally directed to children

The above CAD guidelines were adhered to and the spot was cleared for broadcast at any time of day except in P or C rated programming.

Universal Pictures and MediaCom exercised care with the planning and selection of the TV schedule and focused on programming that skews 18+.

The TV spot titled KissingPartyNoSwear received an M rating.

In this instance, we obtained CAD clearance to display the advertisement according to the guidelines provided for a M rating.

The following approval was obtained by Universal Pictures from CAD:

"M" Definition: Recommended for viewing only by persons 15 and over. May be broadcast during specific hours, except during P and C programs or adjacent to P or C periods:

The above CAD guidelines were adhered to and the spot was cleared for broadcast at any time of day except in P or C rated programming. However, since receiving complaints we pulled this TV spot from all networks all together early in the campaign.

Universal Pictures and MediaCom exercised care with the planning and selection of the TV schedule and focused on programming that skews 16+.

The TV spot titled WeaponsHard received an A rating.

In this instance, we obtained CAD clearance to display the advertisement according to the guidelines provided for an A rating.

The following approval was obtained by Universal Pictures from CAD:

"A" Definition: Suitable for viewing only by persons 15 and over



May be broadcast between 8.30pm and 5.00am on any day.

In addition to the time restrictions, a Commercial classified "A" must NOT be shown: Before 9.30 pm during Sports Programs and Films classified G or PG which commence before 8.30 pm and continue after 8.30 pm (unless it is a Film which is neither promoted to Children nor likely to attract a substantial Child audience).

The above CAD guidelines were adhered to and Universal Pictures and MediaCom exercised care with the planning and selection of the TV schedule and focused on programming that skews 16+.

Please also note that all advertising materials for this film have displayed the (Check the Classification) logo for the required duration & updated once the film was classified.

We apologise for any distress caused and would like to reassure all parties involved that we have adhered to all required standards and the industry code of conduct in relation to the advertising materials and placements for this film.

Please let us know if you require any further substantiation.

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 complainants' concerns that:

- The advertisement features a child using the f-word
- Features sexual references which were inappropriate for the audiences likely to be viewing the advertisement
- Features images of children in a sex swing
- Is an advertisement for an 'MA' rated movie which is inappropriate to be shown to general audiences?
- Showed a 12-year-old boy being offered alcohol

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

The Panel noted there were three versions of this television advertisement, rated 'J', 'M' and 'A'.

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 the 'J' rated version of the advertisement.



The Panel first considered whether this version of 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 considered that there was no reference to, or depiction of sexual activity in this version of the advertisement. The Panel considered that this version of the advertisement did not contain sex.

The Panel considered whether this version of 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 this version of the advertisement did not contain nudity.

The Panel considered whether this version of 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 considered that there were no sexual references or depictions in this version of the advertisement. The Panel considered that this version of the advertisement did not contain sexuality.

The Panel then considered the 'M' rated version of the advertisement.

The Panel first considered whether this version of the advertisement contained sex.

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 this scene did not contain sex.

The Panel noted the scene where the boys appear to search for porn on the internet. The Panel noted that the content of the screen is not shown and the boys react to the content in a horrified manner, and not in a way which is sexually stimulating or suggestive. The Panel considered that this scene did not contain sex.

The Panel noted the depiction of the boys playing on the sex swing, and the young girl's description of the swing as being for sex. The Panel considered that the boys'



behaviour and the girl's explanation were naive and not sexual in nature. The Panel considered that this scene, and this version of the advertisement did not contain sex.

The Panel considered whether this version of the advertisement contained nudity.

The Panel noted that all people depicted in the advertisement were fully clothed, and that this version of the advertisement did not contain nudity.

The Panel considered whether this version of the advertisement depicted sexuality.

The Panel noted the scene whether the boys appear to search for porn, and considered that this act could be considered to be the boys exploration of their sexuality, and considered that this scene could be seen as 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 noted the depiction of the boys playing on the sex swing, and the young girl's description of the swing as being for sex. The Panel considered that this scene could be considered to be a recognition of sexual matters, and that this scene did contain sexuality.

The Panel then considered whether this version of 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 considered that this version of the advertisement had received a 'M' rating from ClearAds, meaning that it "May be broadcast during the following hours, except during P and C programs or adjacent to P or C periods:

Weekdays (schooldays):
7.30pm – 6.00am



12 noon - 3.00pm

Public Holidays, Weekdays (school holidays) & Weekends:

7.30pm – 6.00am

In addition to the time restrictions, a Commercial classified “M” must NOT be shown: Between 5.00 am – 6.00 am and 7.30 pm - 8.30 pm during a Sports Program, or a Program classified G or PG; and Before 9.30 pm during Sports Programs and Films classified G or PG which commence before 8.30 pm and continue after 8.30 pm (unless it is a Film which is neither promoted to Children nor likely to attract a substantial Child audience).”

The Panel noted complainants had stated that they had seen this version of the advertisement during ‘The Project’ before 7:30 and the AFL at 5:30pm, and that this would not have been in accordance with the advertisement’s rating. The Panel noted that it is not within its jurisdiction to determine whether an advertisement had been shown outside of its timeslot, and that concerns of this nature should be directed to the television station or Free TV Australia.

The Panel considered that the audience for this advertisement would be those watching television after 7:30pm, and that this audience would be broad and would likely include children watching television with their parents.

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 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.

Similarly, the Panel considered that the scenes of the boys searching for porn to find out how to kiss, and playing with a sex swing not knowing what it was for was a depiction which humorously referenced the awkward ways in which children can learn about sexuality, and there was actually no depictions of children engaged in or about to engage in sexual type behaviour.

The Panel considered that the sexual references and depictions in the advertisement were mild and would not be considered inappropriate for an audience watching television after 7:30 at night.

The Panel considered that this version of 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 the ‘A’ rated version of the advertisement.

The Panel first considered whether this version of the advertisement contained sex.



In line with the discussion for the 'M' rated advertisement, the Panel considered that the kissing scene was not sexually stimulating, or suggestive behaviour and that this version of the advertisement did not contain sex.

The Panel considered whether this version of the advertisement contained nudity.

The Panel noted that all people depicted in the advertisement were fully clothed, and that this version of the advertisement did not contain nudity.

The Panel considered whether this version of the advertisement depicted 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.

The Panel then considered whether this version of the advertisement treated the issue of sexuality with sensitivity to the relevant audience.

The Panel noted that this version of the advertisement had been given an 'A' rating by ClearAds and this meant that the advertisement "May be broadcast between 8.30pm and 5.00am on any day. In addition to the time restrictions, a Commercial classified "A" must NOT be shown: Before 9.30 pm during Sports Programs and Films classified G or PG which commence before 8.30 pm and continue after 8.30 pm (unless it is a Film which is neither promoted to Children nor likely to attract a substantial Child audience)."

The Panel noted complainants' had stated that they had seen this version of the advertisement after 8:30pm, during 'the Simpsons' and 'Have You Been Paying Attention'. The Panel noted that the audience for this time slot would be mostly older children, teenagers and adults.

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 for an audience watching television after 8:30 at night.



The Panel considered that this version of 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 considered the ‘J’ and ‘M’ rated versions of the advertisement did not feature the scene with the child swearing.

The Panel considered the ‘A’ rated version of the advertisement.

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

The Panel noted the advertisement was played in timeslots appropriate for the ‘A’ rating.

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 an audience watching television after 8:30pm.



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 on free-to-air television, regardless of the time.

The Panel considered that this version of the advertisement did contain strong and obscene language and determined that the 'A' rated version of 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 in the 'J' and 'A' rated versions of the advertisement the young boy in the advertisement is seen attempting 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 by the police officer.

The Panel noted that the 'J' rated version of the advertisement featured the boys running across a busy highway in a way which was extremely unsafe.

The Panel considered that the advertisement depicted their actions resulting car crash, and that this was not a scene which would encourage unsafe behaviour around roads.

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

Finding that the 'A' rated version of the advertisement did breach Section 2.5 of the Code the Panel upheld the complaints.

THE ADVERTISER'S RESPONSE TO DETERMINATION

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