



Case Report

1	Case Number	0326/12
2	Advertiser	Universal Pictures
3	Product	Entertainment
4	Type of Advertisement / media	Print
5	Date of Determination	08/08/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

Promotion for the movie, TED, which was printed in the movie listings in a cinema magazine. A teddy bear is facing away from the reader with its pants half way down. The slogan reads, 'He's cracking up Australia.'

THE COMPLAINT

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

It seems to me and several of my friends to be unnecessarily suggestive. It is around one quarter of a page catching the reader's eye.

I am a teddy bear collector and my 3 year old grandson pointed it out to me. He wanted to know why teddy had his pants down.

I am sick of being bombarded in all sorts of advertising mediums with suggestive and somewhat explicit visual and written content.

I am feeling very cranky about this.

THE ADVERTISER'S RESPONSE

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

The creative was placed within the movie cinema newspaper listings which is not a channel commonly consumed by children and the creative was not flagged as inappropriate by the editorial board of News Ltd.

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 concerns that the advertisement features an image which is offensive and is inappropriate for viewing by children.

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 that the advertisement features an image of a bear (Ted), facing away from the reader with his pants half way down. The slogan reads, ‘He's cracking up Australia.’

The Board noted that the advertisement was to promote the upcoming movie called Ted which was in cinemas from July 5 2012. The Board noted that the image appeared in the Cinema newspaper/magazine that promotes upcoming movies and events. The Board agreed that some members of the community may be offended by the depiction of a Bear bending over showing his backside but considered that the target audience for the magazine would not include children and that the image itself did not contain inappropriate nudity.

The Board noted that the image is directly related to the movie and that relevance of the image to the product or service advertised is relevant in determining whether the advertisement treats sex, sexuality or nudity with sensitivity to the relevant audience.

The Board considered that whilst some members of the community would prefer for this image not to be used, in the Board’s view the advertisement is very mild and does treat sex, sexuality and nudity with sensitivity to the relevant audience.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

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

