



Case Report

1	Case Number	0335/16
2	Advertiser	Roadshow Film Distributors Pty Ltd
3	Product	Entertainment
4	Type of Advertisement / media	Poster
5	Date of Determination	10/08/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

2.5 - Language Inappropriate language

DESCRIPTION OF THE ADVERTISEMENT

The advertisement is a poster at bus shelters promoting the movie 'Bad Moms'. The image shows three women, with their hands pixelated, but the indication is that their middle digits are raised giving a finger gesture.

THE COMPLAINT

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

The picture shows 3 ladies holding their middle finger up (aka 'giving the bird'). The fingers are pixelated, but the meaning is easily understood. While the offending gesture is blurred out, it is clearly identifiable as such. The gesture being made by each female is considered to be rude by community standards. It is blatant swearing in public. This messaging is not a good role model for our children and even as an adult I take offence to a poster with 3 women raising their finger at me.

I am offended by it being such a clear gesture and being on such a large poster at a bus stop. Crude and vulgar and on a main road in clear view of children and generally offensive to the community and it is extremely inappropriate. I found it offensive myself and younger kids especially should not be subjected to such vulgar material. I do not want my son thinking it is socially acceptable and I am not alone in that. When it is on display in such a public location then it is unavoidable.

The film is obviously not intended for children so why should they be subjected to the crudeness of the film's content without any parental control. The film is advertised as MA 15+ and the image is also at this level.

It promotes vulgar and irresponsible behaviour and we should not be subjected to it if we don't want it. Have we sunk this low as a society that to display a picture of an adult doing something that is intended to be obscene, where children will see it, is acceptable? The advertising standards are there to protect us from crud such as this. I object to this form of advertising being displayed publicly. Whilst driving past one of these advertisements, 2 school children were giving the bird to drivers passing by - right behind them was the advertisement depicting 3 women doing the same - pixelated or not.

THE ADVERTISER'S RESPONSE

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

"BAD MOMS" is a comedy about three overworked and under-appreciated moms being pushed beyond their limits and ditch their conventional responsibilities for a jolt of long overdue freedom, fun, and comedic self-indulgence.

The movie has received a classification rating from the Classification Board of MA15+ for theatrical release.

The complaint relates to bus shelter creative where the 3 moms have a pixelated finger - this depicts the films story in a light-hearted manner. The creative is one of 3 pieces of creative that is used for bus shelter advertising. The other 2 images are also attached.

Prior to putting up the posters in bus shelters, Roadshow Films liaised with the media supplier, Adshel and the OMA (Outdoor Media Association) to gain the necessary creative approvals.

Roadshow was advised that their view was that the image with the pixelated finger would not breach the code but their recommendation was that Roadshow exercise sensitivity in the placement of the image away from schools and churches. In accordance with that recommendation, Roadshow sought to place this image at bus shelter locations that were suitably distant from schools and churches. In locations that were proximate to schools and churches Roadshow instead used the other 2 pieces of creative. A detailed site list from Adshel determined which locations were approved/ not approved to use the 'finger' creative.

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 is crude and

inappropriate to be on display in a public place.

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

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 (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided".

The Board noted that the advertisement is a poster for the film 'Bad Moms'. The Board noted that it is reasonable to include gestures as part of considerations regarding language and therefore the advertisement is appropriately considered within section 2.5 of the Code.

The Board noted that the poster shows three women with pixelated fingers that it would appear are giving 'the bird.' The text across the poster reads "Bad Moms." The Board considered that the advertisement is designed to draw the attention of the viewer to the movie and the particular image is meant to highlight that these are 'bad moms.' The Board considered the pixelated fingers in the advertisement are clearly meant to replicate the gesture people use to indicate they want someone to 'go away'.

A minority of the Board considered the gesture to be disrespectful and offensive, however the majority of the Board considered that the movie is highlighting the behaviour of bad moms, not good moms and therefore although it may be seen as an offensive gesture, it can be explained in this way, if necessary, to a child viewing the image and was not obscene.

The Board noted that it had previously upheld a complaint (Case 0288/12), that included an image of a hand with the middle finger extended and the headline which read "Stuff Paying Tax". In that case:

"the Board considered that that "although specific words are not used to express distaste for paying tax, there is a clear image, of a universally recognised gesture... and that the gesture could easily be mimicked by children. The Board considered that the depiction of the extended middle finger was inappropriate, particularly on a billboard that is able to be seen by a broad section of the community including children."

The Board noted that in the current case, the image is pixelated and considered that compared to the previous cited case, the use of the stylised pixelated image is not as easily seen as a particular gesture and is less likely to be understood by young children as a rude gesture. This is in line with a previous determination (Case 0045/14), where:

"The Board considered that although the image in connection with the text is alluding to an offensive gesture, it is stylised and therefore relatively subtle and did not feature language or a gesture which is inappropriate in the circumstance and that the advertisement did not breach Section 2.5 of the Code."

Finding that the advertisement did not breach Section 2.5 of the Code, the Board dismissed the complaint.

