



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0348-19
2. Advertiser :	Universal Pictures
3. Product :	Entertainment
4. Type of Advertisement/Media :	App
5. Date of Determination	13-Nov-2019
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity
AANA Code of Ethics\2.5 Language

DESCRIPTION OF ADVERTISEMENT

This Spotify advertisement is promoting the movie 'The Good Boys'. The audio advertisement features:

- a voice over says, "the Good Boys is like any coming of age film you've seen before.
- boys' voices saying, "it has drugs", "sex toys", "underage drinking" and a 'ding' noise plays after each boy speaks
- the voice over says, "Critics are calling it flat out hysterical."
- a boy says, "we could spy on my neighbour, she's a total nymphomaniac". Another boy asks, "She starts fires?" and the first boy responds, "No. Someone who has sex on land and sea."
- the voice over states, "From the guys who bought you Superbad and Bad Neighbours.
- a boy says, "Look what I found at school today." Another boy says, "It's a tampon. Girl's shove it up their butts to stop babies coming out." And another boy says, "The human body is truly a mystery."
- the voice over says, "It will make you laugh for 90 minutes straight" and provides details on the movie.

THE COMPLAINT



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

While my 4 year old, my husband and myself where listening to spotify early in the morning, the ad played. It contained crude, sexual words and coarse words. This was a completely inappropriate time of the morning for an ad such as this to come on... or to be honest, it should not have even made it to the cinema.

Spotify, even though we are not paying for an account, knows my most listened to music and playlists so why would they think an ad such as this would be an appropriate one. Our 4 year old boy was present and it had both my husband and I completely shocked and appalled.

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 Spotify 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.

To ensure due diligence, prior to activity going live we carefully plan out our targeting with the agency to deliver a thought-out digital plan to effectively reach the following audiences:

Younger audiences: P13-24 (male skew)

Seth Rogan Fans (non-parents): M25-34

In this instance, we obtained clearance to display the advertisement according to the guidelines provided for the appropriate targeting & therefore the ad would have appeared in the males Spotify account.



Universal Pictures and MediaCom exercised care with the planning and selection of the targeting schedule and focused on programming that skews within the demographic.

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.

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 contained crude, sexual words
- Was inappropriate at the time the advertisement played and in a medium when children could be listening

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 first 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 considered that the advertisement featured a child giving an incorrect definition of the term nymphomaniac as someone who has sex on land and sea. The Panel considered that this was said in the context of someone providing a definition to a term and was not a portrayal of sexual intercourse, sexually stimulating or suggestive behaviour.

The Panel considered the advertisement did not feature 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 the advertisement was audio only and did not feature any depictions of, or reference to, 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 the advertisement included references to sex toys, a nymphomaniac and references to tampons and reproduction. The Panel considered that this could be considered a recognition or emphasis of sexual matters. The Panel considered that the advertisement did contain 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 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 Spotify 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 listen to music, 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 considered that the audience for this advertisement would be primarily those over the age of 13.

The Panel considered that the sexual references in the advertisement were said in the context of a coming of age film 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 of people primarily over the age of 13.

The Panel acknowledged that some younger children may hear the advertisement when using their parent's accounts, however considered that young children would not understand the sexual references in the advertisement.

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 complainant's concern that the advertisement featured crude language.

The Panel considered that the references to sex toys, the definition of nymphomaniac and the reference to tampons may be considered sexualised and crude language.

The Panel considered that in the context of the themes of the advertisement, and the likely audience of the advertisement, the advertisement did not contain language which was inappropriate for the circumstances, or strong and obscene language and determined that the advertisement did not breach Section 2.5 of the Code.

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.