



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0351/13</b>
<b>2</b>	<b>Advertiser</b>	<b>Universal Pictures</b>
<b>3</b>	<b>Product</b>	<b>Entertainment</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>09/10/2013</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.1 - Discrimination or Vilification Gender

### DESCRIPTION OF THE ADVERTISEMENT

The advertisement under complaint is a 30 second TV commercial advertising the theatrical release of Kick-Ass 2, an action-comedy film rated MA15+. We see various clips from the movie including one where a female suggests to a male that he remove his tampon after she throws him to the floor.

### THE COMPLAINT

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

*Female character tells male character to 'remove' his 'tampon', implying that he cannot be a hero if he is menstruating, ie: female. Ad is derogatory to females, especially impressionable ones, because it is implying that menstruating is somehow a bad thing.*

### THE ADVERTISER'S RESPONSE

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

*Channel 9's placement of this commercial was in line with classification guidelines. The traffic department at Channel 9 ensure that Kick Ass 2 TVCs are run in the appropriate programming that align with the classification. This is strictly monitored on a daily basis and*

*any issues that are raised are communicated promptly and modified where necessary.*

*TVC class: "J"*

*Program class: "M"*

*Relevant clause:*

*PG, M and MA-Classified Material/PG-Style "J"*

*Definition: PG-Style Commercials for PG, M and MA Classified Cinema Films, DVDs, Videos, or for PG and M Classified Games*

*Must not be broadcast (except see below for digital multi-channels):*

- Between 6.00am and 8.30am on weekdays*
- Between 4.00pm and 7.00pm on weekdays*
- Between 6.00am and 10.00am on weekends*
- P or C programs or in breaks adjacent to P or C periods*
- In G programs which start at 3.30pm on a weekday or are broadcast between 7.00pm and 8.30pm on any day.*

## **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 is derogatory towards women in its suggestion that you cannot be a hero if you menstruate and that menstruating is a bad thing.

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

The Board noted the advertisement is promoting a movie called Kick Ass 2 and features various clips from that movie. The Board noted the advertisement had been rated J by CAD which means it can only be aired after 7pm on weekdays and not during any G rated programs aired before 8.30pm.

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.' The Board noted the complainant's concerns that a female character telling a male character to take his tampon out suggests that women cannot be heroes and that menstruating is a "bad thing".

The Board noted that the characters are colleagues and considered that the female is represented as being more powerful than her male colleague. The Board noted that when she makes the comment about removing a tampon it is in the context of having just fought the male and kicked him to the ground after he refused to hit her because she is a fifteen year old girl.

The Board considered that the reference to using a tampon is intended as a comment that the man is behaving in a weak, feminine, manner and that in many contexts such a comment would be considered to be discriminatory towards women, in its suggestion that being a

woman is weak.

In the Board's view, in this particular context, the fact that this comment is made by a woman towards a man she has just beaten in a fight gives it a different effect. The Board noted that references to feminine hygiene products and the fact that women menstruate is more common in society today, and considered that in this particular context the reference is not demeaning to women

The Board considered that, in the context of this particular advertisement, the comment is sexist but does not amount to material that discriminates against women.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

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