



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0352/11</b>
<b>2</b>	<b>Advertiser</b>	<b>Sony Pictures Releasing Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>Entertainment</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Outdoor</b>
<b>5</b>	<b>Date of Determination</b>	<b>14/09/2011</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.3 - Sex/sexuality/nudity      Treat with sensitivity to relevant audience

### DESCRIPTION OF THE ADVERTISEMENT

The outdoor billboard features Mila Kunis and Justin Timberlake for the release of the film 'Friends With Benefits' in cinemas. Mila is making the okay sign with her thumb and forefinger, and Justin is pointing at the okay sign.

### THE COMPLAINT

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

*The advertisement includes an obscene gesture for sexual intercourse: In the ad the woman is making an "OK" sign with thumb and index finger joined in a circle and the man is pointing his index finger towards the circle made by the woman's hand. This looks like a crude gesture for sex which I believe is inappropriate in a public ad.*

*The way the actors are holding their hands is a well-known mime for a sex act. I find this crude vulgar and inappropriate for mass advertising.*

*I take offence from the crude and sexual nature of this ad. The finger signs being made by Justin and Mila are a rude and belittling symbol for sex. If I were to make such a symbol at work or amongst my social group it would certainly be seen as a 'dirty' and uncouth thing to do.*

*I believe this poster breaches clause 2.3 of the code of ethics as it does not treat sex with in a sensitive manner.*

*I have seen this poster in numerous locations around Melbourne. In particular it is displayed in a bus stop that attracts large groups of school children. I'm sure if these kids went home and made these gestures in front of their parents they were not be received well. I believe it is inappropriate to encourage and promote such insensitive gestures in public.*

## **THE ADVERTISER'S RESPONSE**

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

*We have reviewed the letters of complaint regarding our Outdoor campaign for Friends With Benefits, which was released on Wednesday August 17 in Brisbane, and Thursday August 18 nationally.*

*Our outdoor campaign featuring the creative in question was scheduled across two outdoor mediums:*

*JC Decaux: Bus Shelter posters were booked from Tuesday August 16 to Monday August 22 in Melbourne and Brisbane, and Tuesday August 16 to Monday September 5 in Sydney.*

*APN Outdoor: Portrait Bus Side posters were booked nationally from Monday August 1 to Sunday August 14.*

*The creative was produced by our US studio and has been used worldwide. The concept was to position the film as a comedy to a mature audience and the complaints regarding the gesture was to be seen as a signal that it is okay to be friends, and not meant to be seen in a crude or sexual nature.*

*For all outdoor campaigns each Media Supplier exercise a duty of care and creative is submitted to each company for approval. This process was conducted with both JC Decaux and APN Outdoor prior our proceeding with the advertising campaign.*

*We believe that we have complied with the guidelines for outdoor advertising and that we have in no way intended to communicate or offend or promote sex in a crude manner.*

## **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 offensive and includes an obscene gesture, inappropriate for viewing by children.

The Board reviewed the advertisements and noted the advertiser’s response.

The Board considered whether the advertisements were in breach of Section 2.3 of the Code. Section 2.3 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone”.

The Board noted the advertisement features an image of a male character and female character for the release of the film 'Friends With Benefits' in cinemas. The female character is making the okay sign with her thumb and forefinger, and the male character is pointing his index finger at the okay sign.

The Board considered that the hand gestures on their own are not in themselves offensive gestures, however, the Board noted that most members of the broad adult audience would recognise the intended double entendre and suggestive sexual nature of the two gestures together.

The Board noted there is a level of community concern about the sexualisation of children and acknowledged the placement of the advertisement meant that the relevant audience was very broad and could include children. The Board considered that most young children would not recognize or be familiar with the sexual connotations associated with the gesture, the concept 'friends with benefits' or with the content of the movie.

The Board acknowledged that some members of the community might be offended by the advertisement but considered that the image is only mildly sexualised and is not offensive or inappropriate. The Board determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and did not breach Section 2.3 of the Code.

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