



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0364/11</b>
<b>2</b>	<b>Advertiser</b>	<b>Roadshow Film Distributors Pty Ltd</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>28/09/2011</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 television commercial is for the comedy film 'Horrible Bosses'. It shows various scenes from the movie and in one scene a male character claims he cannot go to jail as he would "get raped like crazy".

### THE COMPLAINT

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

*I am offended by this advertisement as it previews a clip of the movie 'Horrible Bosses' where there are two men mocking rape.*

*This is highly offensive especially to rape victims and I find it disgusting that a clip that makes rape appear not to be a serious matter is previewed during the AFL Footy Show where I assume there is a stronger male audience.*

### THE ADVERTISER'S RESPONSE

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

*The television commercial is for the comedy film Horrible Bosses - released in cinemas around Australia on 25th August 2011.*

*The commercial was created originally in the US for the US release of the movie (released by Warner Bros.). The commercial was simply localised before it went to air in Australia i.e.*

*Local release date, URL and censorship was added.*

*The film is rated MA15+ - Strong sexual references and coarse language.*

*The commercial received a T CAD rating. Please also note that key number HBB 13692/15 is no longer on air. Our TV campaign for Horrible Bosses ceased on 3rd Sept 2011.*

## **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 in its mocking of rape.

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

The Board considered whether the advertisement was 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 that this advertisement for a new movie called ‘Horrible Bosses’ features a scene where a male character claims he cannot go to jail because he would “get raped like crazy” because he is good looking.

The Board noted that rape is a serious social issue and it should not be trivialized. The Board noted that the reference to rape in this advertisement is clearly in the context of two movie characters who are worried about going to jail and who are competing with each other over their attractiveness to other prisoners.

The Board considered that in this advertisement the reference to rape is made in a way which does not mock a serious issue. Whilst some Board members expressed concern over the use of this particular clip to advertise the movie, the majority of the Board considered that most members of the community would understand the advertisement in the context of the movie being promoted and would not find the advertisement offensive.

The Board noted the advertisement has been rated T by CAD which means it may be shown between 12 noon and 3pm on school days and between 8.30pm and 5am the following day, except in G or PG programs scheduled to start at or continue past 8.30pm. The Board considered that the advertisement was not inappropriate for showing in these timeslots.

The Board determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and that it 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.