



Case Report

1	Case Number	0369/17
2	Advertiser	Universal Pictures
3	Product	Entertainment
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	13/09/2017
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement promoting a new movie, Girls Trip, and opens on four women, described as best friends, meeting up to go on a trip together. We then see various scenes from the movie including the women dancing in various environments, and a woman telling her friend to use her 'lady mouth' and in response the friend makes hand gestures towards her mouth and suggests she use her lady mouth instead. The final onscreen text reads, "Girls Trip. In cinemas August 31".

THE COMPLAINT

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

I quite like it, however not @ 6.50pm when my 9 and 12 year olds are watching TV.

Early evening over sexual gestures are unacceptable.

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 GIRLS TRIP, specifically in regards to the TVC advertisements containing sexual gestures or innuendos.

Universal Pictures International Australasia adheres to the AANA Advertiser Code of Ethics.

Section 2.4 of the Code states “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.”

Girls Trip is a comedy film which does contain sexual references. It would therefore be reasonable to justify that our advertising materials have been produced within the context of the product being advertised. The film has been classified MA15+ and we have adhered to all required advertising guidelines relating to the creative content.

Universal Pictures strive to advertise films of this content in a manner that remains appropriate for all consumers.

All advertising content from Universal Pictures is broadcast on FTA TV once rated by the Commercials Advice Board which is industry compliant with the advertising standards code of conduct.

To ensure due diligence, prior to activity going live IMD (on behalf of Universal Pictures) liaises with CAD to obtain approval on the GIRLS TRIP TVC spots.

Universal Pictures produced a number of TV spots for the GIRLS TRIP TV campaign and each spot was classified by CAD - the TV spot in question received a P rating (attached is the key number/material instructions which were provided to the TV networks)

In this instance, we obtained CAD clearance to display the advertisement according to the guidelines provided for a P rating.

The following approval was obtained by Universal Pictures from CAD:

Parental Guidance/Warning “P” Definition: Parental Guidance Recommended/Care in placement May be broadcast at any time of day, except during P and C programs or adjacent to P or C periods.

The above CAD guidelines were adhered to and the spot was cleared for broadcast at any time of day except in P or C rated programming.

Universal Pictures and MediaCom exercised care with the planning and selection of the TV schedule and focused on programming that reaches our intended 15+ audience group.

Please also note that all advertising materials for this film have displayed the MA15+ classification and corresponding advice: MA15+ – Strong crude sexual humour and coarse language

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.

We would also like to inform the board the particular TVC that this complaint is related to has since been removed from broadcast.

THE DETERMINATION

The Advertising Standards Board (the “Board”) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the “Code”).

The Board noted the complainants’ concerns that the advertisement depicts a woman miming a sexual act which is not appropriate for children to view.

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

The Board 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 Board noted that this television advertisement promoting a new movie, ‘Girls Trip’ features a scene where a woman tells another woman she should use her ‘lady mouth’ whilst making oral sex gestures with her hand towards her mouth.

The Board noted that the advertisement had been rated PG by CAD. The Board noted that the classification is based on the rating of the content of the advertisement and not the rating of the movie being promoted. The Board noted Free TV’s Placement Code (http://www.freetv.com.au/content_common/pg-cad-placement-codes.seo) which provides that PG-rated advertisements: “May be broadcast at any time of the day, except during P and C [Preschool and Children’s] programs or adjacent to P or C periods.”

The Board noted the complainants had viewed the advertisement during PG-rated programs (The Project, Frasier) and considered that the advertisement had been aired in accordance with its rating.

The Board noted the scene depicting a woman thrusting herself against a statue. The Board considered that although the woman’s behaviour is mildly sexually suggestive she is fully clothed, the scene takes place in a public space during the day which lessens the sexual impact, and in the Board’s view this fleeting scene is not inappropriate for a broad audience which would include children.

The Board noted the ‘lady mouth’ scene which is the subject of the complaints. A minority of the Board noted that the ‘lady mouth’ scene is one of many scenes shown during the advertisement and considered that young children would not understand the sexual reference and in the Board’s view the overall content of the advertisement was not inappropriate for the relevant PG audience which would include children.

The majority of the Board however noted that the advertiser had plenty of scenes to choose from in order to promote this movie and considered that a simulated oral sex mime is not a PG appropriate scene, and that as this is the last scene depicted it has a lasting impression on the viewer. The majority of the Board considered that the advertisement did not treat the issue of sex, sexuality and nudity with sensitivity to the relevant PG audience which would include children.

The majority of the Board considered that the advertisement did not treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and determined that the advertisement did breach Section 2.4 of the Code.

Finding that the advertisement did breach Section 2.4 of the Code, the Board upheld the complaints.

THE ADVERTISER'S RESPONSE TO DETERMINATION

This statement is in relation to the complaints received regarding the UNIVERSAL PICTURES advertising for GIRLS TRIP, specifically in regards to the TVC advertisements containing sexual gestures or innuendos.

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.

We would also like to inform the board that the particular TVC that this complaint is related to has since been removed from broadcast & won't be used again.