



Case Report

1	Case Number	0479/16
2	Advertiser	Twentieth Century Fox Film Distributors Pty Ltd
3	Product	Entertainment
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	09/11/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The advertisement is a 15 second television commercial to promote the film KEEPING UP WITH THE JONESES. Clips from the film feature Jeff and Karen, an average couple from the suburbs. In one scene we see Karen holding a candle and then she sneezes and the wax goes all over Jeff's chest. Other scenes include a speeding car and a few shots of guns.

THE COMPLAINT

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

The trailer included a brief scene in which a man appeared to be ejaculating on himself. Though no nudity was shown, the crass and graphic nature of what the scene was suggesting was very offensive, disgusting and shocking. I would be offended to see this in an ad at any time of the day but it is particularly offensive during a time when people are eating their dinner and children may still be awake.

THE ADVERTISER'S RESPONSE

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

Details of Complaint:

Complaint Reference Number: 0479/16

The complaint was made in reference to this TV spot which was broadcast at 6:50pm in The Project. The complaint references a brief snippet whereby Jeff (Zach Galifianakis) appears to be ejaculating on himself. In fact, this scene features Jeff and Karen trying to spice up their love life a little and they light some candles. Karen sneezes and the wax from the candle flings up on Jeff's chest. Although this could be interpreted in a sexual nature, the candle and the sneeze is clearly shown and the sexual joke is simply alluded to. Although adults could read into the sexual joke displayed it is highly unlikely that children would connect those dots. Particularly considering how clearly the candle and the sneeze are featured.

Justification:

As requested the following is in direct reference to the remaining parts of Section 2 of the Australian Association of National Advertisers (AANA) Code of Ethics.

2.1 Discrimination or vilification

The advertisement in no way discriminates or vilifies any person or section of any community with regards to race, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief. In the advertisement featured, no nationality, gender, age, sexual preference, religion, disability, mental illness or political belief is referenced in any way.

2.2 Exploitative and degrading

The advertisement in no way employs sexual appeal in a manner that is exploitative or degrading. The TVC is cheeky in nature but not overtly sexualised.

2.3 Violence

Although guns are featured in this TVC they are never pointed at anyone or fired at any point. Nobody is hurt at any point in this TVC. There is no other violence featured in the advertisement in any way and no violent threats or gestures are made.

2.4 Sex, Sexuality and nudity

The advertisement only loosely alludes to ejaculation in the scene featured where Karen sneezes and blows the wax from the candle over Jeff. Both the candle and the sneeze are featured in the spot so it is only if this is read into that the sexual innuendo is evident. There is no way children would interpret this snippet to be sexual in nature.

2.5 Language

The advertisement does feature any aggressive language or profanities of any kind.

2.6 Health and Safety

The advertisement doesn't feature anyone being hurt or injured. There is one shot of a

speeding car but it is very much seen to be in control. Other than this there are no other dangerous activities carried out and in no way does the advertisement encourage others to attempt anything dangerous in nature.

In addition to abiding by all codes set out by the AANA Codes of Ethics we have also ensured that although the film being advertised, KEEPING UP WITH THE JONESES, is not targeting children, that the advertisements promoting the film are not overly violent or overtly sexualised in nature. This complaint is the only complaint we have received regarding the advertising of this film across any medium.

In sum, the advertisement used abides by all of the codes and guidelines established by the AANA Code of Ethics and therefore, should withstand the complaints received.

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 showed a man appearing to ejaculate on himself and that this behaviour too explicit to be shown on television.

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

The Board then 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 is promoting the movie ‘Keeping Up With the Joneses’. The advertisement includes a number of scenes from the movie, including a scene where a woman is shown holding a candle. When the woman sneezes, wax from the candle splatters over a man’s chest.

The Board considered that the scene clearly showed the woman’s sneeze resulting in candle wax splattering the man’s chest and that this was unlikely to be seen as a sexual reference by a younger audience.

The Board noted that the advertisement was given a “PG” rating by CAD and considered that this advertisement was suitable for the relevant audience.

The Board noted that the scene itself was very fleeting and not the focus of the advertisement.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

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

dismissed the complaint.