



## **CASE REPORT**

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| 1. Complaint reference number | 435/09  |
| 2. Advertiser                 | Paramount Pictures  |
| 3. Product                    | Entertainment   |
| 4. Type of advertisement      | Radio   |
| 5. Nature of complaint        | Portrayal of sex/sexuality/nudity – section 2.3<br>Language – use of language – section 2.5 |
| 6. Date of determination      | Wednesday, 23 September 2009  |
| 7. DETERMINATION              | Upheld – discontinued or modified   |

### ***DESCRIPTION OF THE ADVERTISEMENT***

*This radio advertisement is for a movie and includes excerpts from the movie stating, amongst other general information about the movie: 'Will you marry me? Yes. He is every girl's dream husband. He goes down on me like six times a week. Wow - marry him. Lock that tongue down girl ...How's the sex. Sometimes I wish that she enjoyed....Give it in the tush? No - oral sex. You are about to marry a pleasure giver that's for sure - so give it back. Return the favour. I don't think she sucks. Watch your mouth. 'I love you man' Now showing, Rated MA'.*

### ***THE COMPLAINT***

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

*I found it inappropriate for the time slot given this is when many children are being transported to or from school.*

*I found it demeaning to women and frankly was very shocked when I heard this advert. It is an MA movie and it seems they have chosen the most shocking sound bites of the movie on purpose for radio - I checked out their trailer on the Internet and as far as I am aware the conversations from the radio advert are not featured. Please seriously consider pulling this advert - my husband heard the advert separately to me and also commented on it.*

*Ad focuses on adult sexual behaviour - oral sex ("he goes down on her 6 times a week)(she won't suck....?), anal sex (won't she take it up the tush (or similar words). This is played at a time when my young family are having breakfast or being driven to school. Ad clearly states film is MA so why should my kids be forced to listen to an embarrassing catalogue of adult sexual behaviour at a wildly inappropriate time. It should be programmed at a late night time slot when MA listeners are tuned in not on breakfast radio.*

*I find it pornographic - beyond smutty. I do not want to hear about whether a girl "sucks" (as in referring to sucking a penis) while driving home in my car. It is not funny. It is offensive.*

### ***THE ADVERTISER'S RESPONSE***

*Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:*

*We felt that it wasn't inappropriate to run these ads in breakfast on the NOVA network as the tone of NOVA breakfast radio, along with some of their competitors, are of a similar tone to these ads and these ads were certainly not sitting out on their own with the content they present.*

*NOVA targets primarily an audience of 16-24 yr olds which fit well with the buying target of this film ie P16-39.*

*Because of the stations target audience it's content is irreverent and it is very common to hear talk of a sexual nature on breakfast shows such as this.*

*In addition, the spots were sent to NOVA prior to going to air and they had no problem running them.*

### **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 complainants' concerns that the advertisement for the movie "I love you man" was smutty, pornographic and embarrassing especially for an adult parent in front of young children and was broadcast at an inappropriate time.*

*The Board considered the application of 2.3 (sex,sexuality and nudity) and 2.5 (language).*

*The Board noted the advertiser's response. The Board noted that the advertisement is rated MA15+ which means that it is not suitable for persons under the age of 15. The Board considered that the advertisement included sexual references that were explicit and noted that the audience for this advertisement can include children. The Board noted that the advertisement is heard on Nova radio which is a station with a target audience of 16-24 year olds. The Board noted that the advertisement was broadcast during a family time when people would normally be travelling to work or school. The Board considered that the likely audience for this advertisement would include people younger than 15. The Board determined that the advertisement did not treat sex, sexuality and nudity with sensitivity to the relevant audience and determined that the advertisement breached Section 2.3 of the Code. The Board upheld complaints.*

### **ADVERTISER'S RESPONSE TO DETERMINATION**

Comments which the advertiser made in response to the determination regarding this advertisement included the following:

*Please find this as confirmation that we have not been playing this ad on radio since 5th June, 2009 and we agree to no longer place this ad on any radio station moving forward.*