



Case Report

1	Case Number	0501/14
2	Advertiser	Event Cinemas
3	Product	Entertainment
4	Type of Advertisement / media	Cinema
5	Date of Determination	26/11/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Sexual preference

DESCRIPTION OF THE ADVERTISEMENT

The advertisement follows a man as he participates in different types of clubs with other men, including Book Reading club (where he is reading 50 shades of grey), Karate club, Knitting club (where he is knitting tight clothing for other men), Falcon Flying Club and Cinebuzz. Advertisement finishes with 'See 6 movies, get 1 movie free'.

THE COMPLAINT

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

Dear Advertising Standards Bureau,

I wish to complain about a cinema advertisement which I found offensive in it's portrayal of men, in particular it's subtly reference to homosexual men.

During the Knitting club scene, the main character of the advertisement is sitting on the floor knitting while two men stand in front of him, holding his balls of wool. In this very homoerotic scene, the two men standing are facing with their backs towards the audience, wearing tight knitted garments that pronounce their bottoms. The main character looks into the mens eyes before lowering his gaze to one mans crouch before smiling and then focusing his attention onto his knitting.

During each of the club scenes the character is either by himself or with a group of other men, until the final scene when he is part of the cinebuzz club. Although the character does not clearly identify himself as being gay, the clothing that he is wearing and the activities he

undertakes, including a male only group reading of 50 Shades of Grey suggest to the audience that he is.

Event Cinemas could have easily included a female character in any of the non-cinebuzz club scenes or they could have positioned the characters in non-provocative clothing and scenes. The advertisement encourages people to laugh at the activities (or what some might call fetishes) of the man, therefore vilifying and degrading men who's activities may be seen as gay or camp by the audience.

This advertisement is of poor taste and I would be concerned if it was shown to children before PG rated films.

THE ADVERTISER'S RESPONSE

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

Background

Event Cinemas is running a promotion encouraging moviegoers to join its Cine Buzz rewards program, which allows members to earn points they can redeem for free movie tickets.

The advertisement, which has only run in Cinema, is a humorous depiction of an enthusiastic man who, along with his friends, is a member of numerous clubs including a Book Reading Club, Karate Club, Knitting Club and Falcon Flying Club. Going to the movies with his friends is presented as another activity he enjoys and, as a member of the Cine Buzz 'club', he can take advantage of the "See 6 Movies, Get 1 Movie Free" offer.

Complaint

The complainant states that the advertisement refers to "homosexual men", contains a "homoerotic scene" and encourages people "to laugh at the activities (or what some might call fetishes) of the man", thereby "vilifying and degrading men whose activities may be seen as gay or camp by the audience".

Response

We do not consider that the advertisement breaches the AANA Code of Ethics (Code). We also do not consider that the AANA Code for Advertising and Marketing Communications to

Children applies as the advertisement is not directed at and does not have principal appeal to children.

The main issue under the Code relevant to the complaint relates to vilification or discrimination on the basis of sexual preference, which is covered by section 2.1. We have limited our response to this section, but also do not consider that the advertisement breaches sections 2.2 – 2.6 Code.

In respect of the complainant's main concern that the advertisement vilifies or degrades men on the basis of sexual preference, we note that the advertisement does not make any reference to sexuality or sexual preferences and there is nothing in the advertisement that would suggest to a reasonable member of the community that the character has a particular sexual orientation. The fact that there are other men in the clubs does not indicate that the character is homosexual and we note that there is also a female character in the Cine Buzz group at the end of the advertisement.

We also do not agree with the assumption implicit in the complaint that certain activities, such as a knitting club or book reading club, could only be enjoyed by gay men and do not see how the character's clothes could in some way provide a clue as to his sexuality. In each scene, he is wearing an exaggerated outfit appropriate to the activity that he is undertaking, which is in keeping with the tongue-in-cheek tone of the advertisement and demonstrates his enthusiasm for each activity.

The AANA Code of Ethics Practice Note states that discrimination means "unfair or less favourable treatment" and vilification means "humiliates, intimidates, incites hatred, contempt or ridicule."

We do not believe that the advertisement portrays people or depicts them in a way that subjects them to unfair or less favourable treatment. In fact, all of the characters portrayed are shown to be members of the Cine Buzz club, demonstrating the inclusive nature of the club. We also do not believe the advertisement humiliates or incites hatred, contempt or ridicule. For example, in the book reading club, karate club, knitting club and when going to the movies, the character is shown in the company of others and enjoying the activity in a positive way. There is no reference to sexuality, and even if a member of the audience formed the conclusion that the character was homosexual, we do not believe that there is anything in the advertisement to indicate that this is either good or bad. The humour in the advertisement is derived from the nature of the activities (e.g. improbable activities such as falconing) and the character's over-the-top enthusiasm (e.g. the woollen costumes in the knitting club). There is no negative impression created through the imagery or the words, and we note that such an impression would be contrary to the inclusive nature of the Cine Buzz product.

We refer to Case Report number 0348/14, in which the Board considered an outdoor advertisement showing a man dressed in a figure skating uniform accompanied by the words "Yes, you do look ridiculous". In that case, the Board found that the costume was "consistent

with figure skating attire” and was not a reference to sexuality. In this advertisement, we note that the character is dressed in attire suitable for each ‘club’ and that there are no references to his sexual preferences.

It appears that the complainant had particular concerns about the book club and knitting club scenes, so we would briefly like to address these. In the book club scene, the character is reading the book “Fifty Shades of Grey”. While this book in itself is an erotic romance novel, we note that it is also a best-seller and none of the themes of the book feature in the advertisement in any way. It is not unlikely that this book would be read at a book club by both women and men. In respect of the knitting scene, we do not believe that this is ‘homoerotic’ and do not agree with the complainant’s interpretation that the man looks at the crotch of one of the men holding the wool. We note that the man holding the wool is actually facing away from the camera and that the shot never focuses on or even features his crotch. In this scene, each of the characters is dressed in knitted woollen clothes (as part of their knitting club) and we believe that the majority of community members would understand that the main character is looking at these clothes while he knits. This is merely a tongue in cheek depiction that exaggerates the clothing that might be worn by people taking part in a knitting club.

By way of background, we also note that the advertisement was made using actors who volunteered and who were thanked with free cinema tickets. The advertisement features the people who volunteered. Gender played no role in the casting of the advertisement as it is irrelevant to the message, which is about the benefits of Cine Buzz membership.

Based on the above, we respectfully submit that the advertisement complies with the AANA Code of Ethics. We also consider that the advertisement falls within acceptable community standards and note that only one complaint has been received.

Event Cinemas regrets if any members of the public were offended by the advertisement and would like to take this opportunity to assure the Bureau and the public that this was never its intention.

We appreciate the opportunity to respond to the complaint and acknowledge the advertiser’s commitment to self-regulation of advertising in Australia. We sincerely hope that the Board reviews the advertisement positively having regard to the points raised above.

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’ concern that the advertisement features homoerotic scenes including of men knitting and is degrading to homosexuals.

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

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.'

The Board noted the advertisement features a man who has joined various clubs such as a reading club, karate club, falcon flying club and knitting club. A voiceover then says to join the club that gives you free movies: cine buzz.

The Board noted the complainant's concern that only men are featured in the advertisement. The Board noted that the overall theme of the advertisement is joining a club and that the main character is a man. The Board noted that advertisers are free to use whomever they wish in an advertisement and considered that the depiction of mostly male characters in this advertisement is not of itself a depiction which discriminates against or vilifies a person or section of the community on account of gender.

The Board noted the complainant's concern that the knitting scene is homoerotic. The Board noted that in this scene the main character is sitting on the floor knitting from balls of wool held by two men standing in front of him. The Board noted the complainant's concern that the seated man lowers his gaze to one of the standing men's genital area. The Board noted that the seated man makes eye contact with both men before lowering his gaze and considered that the most likely interpretation is that the seated man is looking at the ball of wool he is knitting from or at the previously knitted pants being worn by the people standing in front of him. The Board noted that this scene is very brief and considered that the complainant's interpretation is an interpretation unlikely to be shared by the broader community. The Board noted that the advertisement depicts the man enjoying a range of activities associated with different types of clubs. The Board noted that the manner in which these clubs are presented is suggestive of them being boring or of appeal to a homosexual man. The Board considered however that the advertisement does not suggest that membership of these clubs is negative or that someone who belongs to them is of lower social status than other members of the community but rather that the advertised product, a movie club, is more exciting. The Board considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of their sexual preference.

The Board noted the complainant's concern that the advertisement is in bad taste and considered that the issue of taste is not covered by the provisions of the Code and cannot therefore form part of the Board's determination.

The Board determined that the advertisement did not breach Section 2.1 of the Code. Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaints.

