

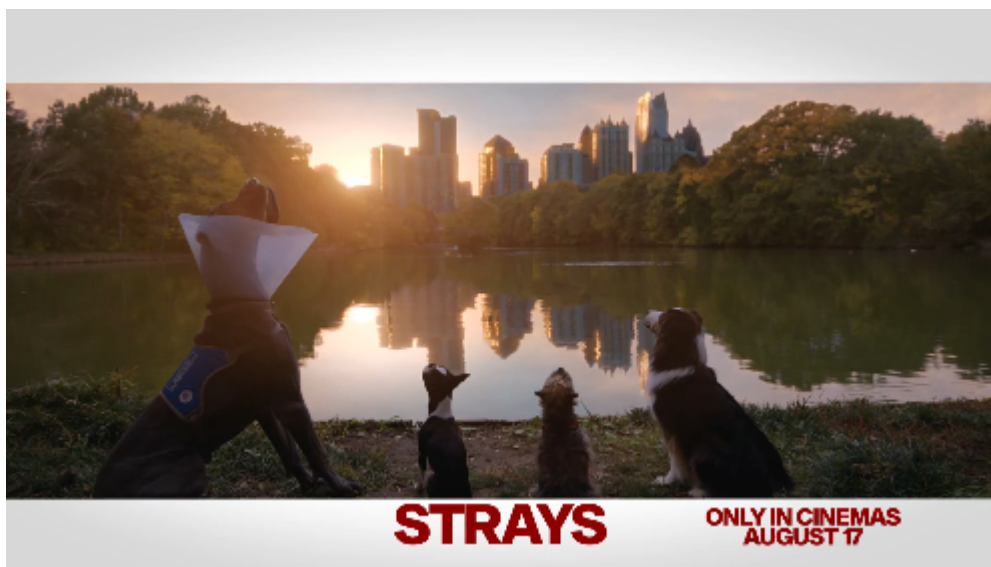
Case Report

1. Case Number :	0168-23
2. Advertiser :	Universal Pictures
3. Product :	Entertainment
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Decision:	23-Aug-2023
6. Decision:	Upheld – Modified or Discontinued

ISSUES RAISED

AANA Code of Ethics\2.5 Language

DESCRIPTION OF ADVERTISEMENT



This television advertisement is for the movie, 'Strays' and features talking dogs. One of the dogs talks about his owner abandoning him and says that he is going to "bite his dick off". Another dog also says "we have a dick to rip off".

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

Using the word "Dick" twice in an offensive manner.

I am sure that the word "dick" specifically relating to male appendage is not a "G" rated word, yet the movie for this a, being shown during family hours, and not just during the news, uses this word, several times, and even refers to acts of violence such as "bite his dick off" "a dick we need to tear apart". I don't think this really is family friendly language or ad for early evening time slots.

It is disgusting and inappropriate language to be played on TV at those times when young children are about and watching TV.

If my children or other's were to go to school and repeat that phrase, they would get in alot of trouble from their Teachers and Principle, & I would also be shocked and embarrassed if my children were to repeat it in a public setting also, as we do not speak like this within our home or family either as we teach our children respect and manners.

It is a major oversight by whomever's position it is to make decisions regarding the broadcasting time of this advert as, morning and day time TV is when children are up and about and either watching or within earshot of a TV.

I was watching Friday night football with my 6 year old daughter and to hear the words we have a dick to bite off is highly unacceptable it was before 830 pm in Adelaide.

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 Strays, specifically in regard to the TVC advertisements depicting language/nudity/violence which can cause alarm and distress to Children.

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

Section 2.3 of the Code states "Advertising or Marketing Communications shall not present or portray language/nudity/violence unless it is justifiable in the context of the product or service advertised."

Strays is an outrageous, laugh-out-loud comedy film which contains numerous scenes which contain certain humour and language. It would therefore be reasonable to justify that our advertising materials have been produced within the context of the product being advertised.

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 PEACH (on behalf of Universal Pictures) liaises with CAD to obtain approval on Strays TVC spots.

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

It is worth noting that we have spent considerable time, resource and investment in refining the 'SOFT' TV spots for Strays to ensure that these do meet the required criteria for the J CAD rating requirements.

The following approval was obtained by Universal Pictures from CAD on J rating:

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.

Exercise care when placing in programs principally directed to children.

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

Please also note that all advertising materials for this film have displayed the CTC (Check the Classification) logo for the required duration.

Universal Pictures and MediaCom exercised care with the planning and selection of the TV schedule and focused on programming that reaches our intended 16+ audience group. We strive to evaluate each media placement to ensure that the materials are being seen by the intended target audience. However, please be aware that the spots in question were pulled from primetime TV as soon as complaints were received.

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.

THE DECISION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants' concerns that the advertisement contained language which was inappropriate for the broad audience.

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

Section 2.5: Advertising shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided.

The Panel noted that the Practice Note for this section of the Code includes:

“Words and phrases which are innocuous and in widespread and common use in the Australian vernacular are permitted provided they are used in a manner consistent with their colloquial usage, for example with gentle humour, and not used in a demeaning or aggressive manner.

The Panel noted that this advertisement had been given a ClearAds rating of 'J' meaning the advertisement can be played at any time of day, except in P and C rated shows.

The Panel noted that the advertisement included the phrases, “I'm going to bite his dick off” and “we've got a dick to rip off”. The Panel noted that the word 'dick' is a colloquial term for a penis, and the word itself is not derogatory or always inappropriate.

A minority of the Panel considered that in the context of a comedy movie about talking dogs, the phrase was light-hearted and consistent with the humorous tone of the movie.

The majority of the Panel considered that the phrase is used in an aggressive manner which most members of the community would consider inappropriate for a broad audience which would include children. The majority of the Panel considered that the talking dogs would attract the attention of children, the phrases would be easily understood by children, and could be repeated by children.

Overall, the Panel considered that the language used in the advertisement was inappropriate in the circumstances, in particular for a broad audience which would include children.

Section 2.5 conclusion

The Panel determined that the advertisement did contain strong or obscene language and did breach Section 2.5 of the Code.

Decision

Finding that the advertisement did breach Section 2.5 of the Code the Panel upheld the complaints.

THE ADVERTISER'S RESPONSE TO DECISION

The advertiser advised Ad Standards that they had modified the placement of the advertisement so it would no longer be shown prior to 8:30pm.