

## Case Report

1. Case Number :	0005-24
2. Advertiser :	Paramount Pictures Australia
3. Product :	Media
4. Type of Advertisement/Media :	Cinema
5. Date of Decision:	30-Jan-2024
6. Decision:	Dismissed

### ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity  
AANA Advertising to Childrens Code\2.3 Sexualisation  
AANA Advertising to Childrens Code\2.1 Prevailing Community Standards

### DESCRIPTION OF ADVERTISEMENT

This cinema advertisement features a trailer for the film 'Mean Girls'.



### THE COMPLAINT

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

*I was watching a PG rated movie, Wonka, with my 7 years old daughter at Event Cinemas at Miranda NSW. During the pre-movie advertisement, it showed and advertisement for the upcoming 2024 movie Mean Girls, which is obviously rated M or above. I am very concerned that the contents of the Mean Girls trailer is not appropriate for the target audience of the Wonka movie.*

## THE ADVERTISER'S RESPONSE

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

*Noting that trailer placements before any feature film (played within the cinema) are the responsibility of the cinema and scheduled at their discretion, in line with their feature film programming. Paramount Pictures provides the trailer files, but each cinema will decide which films the trailer is placed in front of.*

*Additionally, whilst the film was unclassified at the time – it has since received a PG rating as per Australian Classification Board, which is the same rating as WONKA (the film referenced in the complaint).*

*Mean Girls (2024): <https://www.classification.gov.au/titles/mean-girls-3>*

*Wonka (2024): <https://www.classification.gov.au/titles/wonka>*

## THE DECISION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches the AANA Children's Advertising Code (the Children's Code) or the AANA Code of Ethics (the Code).

The Panel noted the complainants' concerns that the advertisement is inappropriate for advertising targeting children.

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

The Panel noted that for the provisions of the Children's Code to apply, the advertisement must be found to target children under 15 years of age.

### **Does the advertisement target children?**

The Panel noted that the Children's Code defines "target children" as:

*"Target Children is determined by the context of the advertisement and the following three criteria:*

- 1. Nature and intended purpose of the product being promoted is principally or significantly appealing to Children;*
- 2. Presentation of the advertisement content (e.g. theme, images, colours, wording, music and language used) is principally appealing to Children;*

3. *Expected average audience at the time or place the advertisement appears includes a significant proportion of Children.*"

The Panel noted that the Practice Note provides guidance on the interpretation of "target children":

*"All three criteria will be considered by the Community Panel in determining whether or not advertising targets Children. The weighting given by the Community Panel to each of the three criteria will be determined on a case by case basis. In the event of a complaint being considered by the Community Panel, the advertiser should be in a position to provide details in terms of the nature and intended purpose of the product, the presentation of the advertisement content and the expected average audience at the time or place the advertisement appears.*

*"In relation to the third criteria, measures to determine if Children are likely to be a 'significant proportion' of the expected average audience may include one or a combination of the following:*

- *Where data exists, 25% or more of the predicted audience will be Children. In relation to outdoor advertising, if across a campaign the data shows a predicted audience with less than 25% Children, and there is a Children's event or concert that is incidental to the ad placement, the audience of that incidental Children's concert or event will not be captured.*
- *C&P programmes.*
- *Programs, artists, playlists, video, movies, magazines or other content with significant appeal to Children (e.g. featuring personalities or characters popular with Children).*
- *Compliance with the Outdoor Media Association Placement Policy and Health & Wellbeing Policy which regulate the placement of advertising at primary and secondary schools which are locations where Children regularly and predictably gather. Where accurate program audience data is not available, the Community Panel may have regard to other factors listed above such as the program content, the time or the location where the advertisement is being shown (in line with the above provision)."*

**Point 1: Is the nature and intended purpose of the product principally or significantly appealing to children?**

The Panel considered that the advertised product is PG rated film set in a high school and considered that that this was a product which may be significantly appealing to children.

**Point 2: Is the content of the advertisement principally appealing to children?**

The Panel considered that the advertisement has music running through entire video, with a lot of pink imagery. The Panel considered that the high school setting would appeal to teenagers more than young children, and noted that the advertisement highlights scenes which are similar to the 2004 version of the film and would be nostalgic for adults.

The Panel considered that while the musical theme and visual imagery would be attractive to children, they would be equally attractive to older teenagers and adults.

Overall, the Panel considered that the content of the advertisement has broad appeal, and was not principally appealing to children.

**Point 3: Does the expected average audience of the advertisement include a significant proportion of children?**

The Panel noted that the complainant viewed the advertisement prior to a PG rated film in the cinema. The Panel noted the guidance for PG rated films is:

*“The impact of PG (Parental Guidance) classified films and computer games should be no higher than mild, but they may contain content that children find confusing or upsetting and may require the guidance of parents, teachers or guardians. For example, they may contain classifiable elements such as language and themes that are mild in impact. PG-rated content is not recommended for viewing by people under the age of 15 without guidance from parents, teachers or guardians.”*

The Panel considered that although Wonka would likely have some child viewers, it was unlikely to have an audience of over 25% children.

The Panel considered that the audience for the advertisement would not include a significant proportion of children.

**Targeting children conclusion**

The Panel considered that while the product may have appeal to children, the content of the advertisement was not principally appealing to children and audiences for the advertisement would not include a significant portion of children. The Panel determined that the advertisement did not target children and therefore the provisions of the Children’s Code did not apply.

**Code of Ethics Section 2.4: Advertising shall treat sex, sexuality and nudity with sensitivity to the relevant audience.**

The Panel noted the Practice Note for the Code states:

*“Discreet portrayal of nudity and sexuality in an appropriate context (eg advertisements for toiletries and underwear) is generally permitted but note the application of the relevant audience. More care should be taken in outdoor media than magazines, for example.*

*“Images of models in bikinis or underwear are permitted, however, unacceptable images could include those where a model is in a suggestively sexual pose, where underwear is being pulled up or down (by the model or another person), or where there is clear sexual innuendo from the ad (e.g. depicting women as sexual objects).”*

### **Does the advertisement contain sex?**

The Panel considered whether the advertisement contained sex. The Panel noted the definition of sex in the Practice Note is “sexual intercourse; person or persons engaged in sexually stimulating behaviour”.

The Panel noted that the advertisement contained references to sex (in the context of safe sex education) but did not contain sexually stimulating behaviour or sexual interactions. The Panel considered the advertisement did not contain sex.

### **Does the advertisement contain sexuality?**

The Panel noted the definition of sexuality in the Practice Note is “the capacity to experience and express sexual desire; the recognition or emphasis of sexual matters”.

The Panel noted that the advertisement contained references to sex (in the context of safe sex education), several people kissing, and reference to “toilet baby”, “choking” and “face breast”.

The Panel considered that the advertisement did contain sexuality.

### **Does the advertisement contain nudity?**

The Panel noted that the definition of nudity in the Practice Note is “the depiction of a person without clothing or covering; partial or suggested nudity may also be considered nudity”.

The Panel considered that the people in the advertisement are fully dressed at all times and the advertisement did not contain nudity.

### **Is the issue of nudity treated with sensitivity to the relevant audience?**

The Panel noted that the definition of sensitivity in the Practice Note is “understanding and awareness to the needs and emotions of others”.

The Panel considered that the requirement to consider whether sexual suggestion is 'sensitive to the relevant audience' requires them to consider who the relevant audience is and to have an understanding of how they might react to or feel about the advertisement.

The Panel noted that the advertisement was played before a PG rated film in the cinema. The Panel noted the advertised film is also rated PG.

The Panel considered that the advertisement would have a broad audience, which would include some children.

The Panel considered that the sexual references were quite mild and although there was some adult content, it was not focused on or exaggerated. The Panel considered that children would be unlikely to understand references to choking or a toilet baby, and the advertisement did not linger on these scenes.

The Panel considered that the sexuality in the advertisement was not explicit or inappropriate to be viewed by a broad audience.

#### **Section 2.4 Conclusion**

The Panel determined the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant broad audience and did not breach Section 2.4 of the Code.

#### **Section 2.5: Advertising or Marketing Communications 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 advertisement includes some language that some viewers may find offensive, including "hell no", "bitch move", "doing drugs", and "slutty/slut-shaming".

The Panel noted that the complainants viewed the advertisement in a cinema before a PG rated movie. The Panel considered that the advertisement was likely to have a broad audience that would include some children.

The Panel acknowledged that some people would be uncomfortable with the level of swearing in an advertisement, especially if they were not expecting to view content with explicit language. The Panel considered that the advertisement consists of scenes from the advertised movie, and that the swearing in the advertisement reflects the content of the movie.

The Panel considered that most members of the community would be familiar with this usage of swearing and would find it to be appropriate in the circumstances.

Overall, the Panel considered that in the context of a movie trailer shown to a mostly adult audience the language was not inappropriate.

### **Section 2.5 conclusion**

The Panel determined that the advertisement did not breach Section 2.5 of the Code.

### **Conclusion**

Finding that the advertisement did not breach any other section of the Children's Code or the Code of Ethics the Panel dismissed the complaint.