



Case Report

1	Case Number	0266/16
2	Advertiser	Roadshow Film Distributors Pty Ltd
3	Product	Entertainment
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	22/06/2016
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

- 2.3 - Violence Causes alarm and distress
- 2.3 - Violence Causes alarm and distress to Children
- 2.3 - Violence Graphic Depictions
- 2.3 - Violence Violence

DESCRIPTION OF THE ADVERTISEMENT

There are 7 different versions of this television advertisement, each featuring scenes from the forthcoming movie, The Conjuring 2. Scenes used include crucifixes vibrating on a wall then twisting round as if by an unseen force, a woman looking in a mirror and seeing people staring back at her, children screaming and people being flung across rooms and banging in to walls. Some of the versions also feature text saying that the movie is based on a true story.

THE COMPLAINT

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

The movie ad has really dark concepts and my 10 and 12 year old children have seen this whilst watching rage and other to, during hours you wouldn't expect such themes to be screening. I believe it's a MA rated movie but the trailer/ad is screening at times my kids see it. Both kids have been so affected they have not been able to sleep alone and in fact have to be in our beds, sobbing and barely able to speak. This has been for the past 5 nights now.

It evokes extreme negative feelings, causes fear and distress in all members of my family. I have anxiety and used to sleep with the lights on due to severe fears related to the content

depicted in the advertisement. I do not wish to be exposed to this disturbing content within my own home. I do not believe it is appropriate to display this content during a family friendly program (NRL) or at all for that matter. Viewers should have a choice before they are exposed to intentionally distressing material of this kind.

Contains graphic horror content and is played in the early evening when my two little girls are still wide awake. It gives me the creeps, and I don't it's something young children should be exposed to. It would have given me nightmares when I was a kid. Please change the time to after nine o'clock so that parents don't have to scramble for the remote to change the channel every time it comes on.

I had nightmares last night and my oldest daughter had nightmares as well there is no need to scare people with demonic images if people want to see that sort of movie fine but there is no reason for us to be exposed to it.

This film is an extremely frightening film, even to me as an adult. The ad that is played displays graphic images of supernatural themes.

Watching the state of origin on channel 9, of which is promoted as a family event by channel 9....subsequently have three children watching the event, ranging from ages 10-3yrs and immediately at half time the advertisement for a supernatural themed horror movie is commenced to be advertised. This movie, the conjuring is in no way a family movie and as I understand it would not be promoted in anyway to be a family movie. Whilst I understand it is 9pm there are plenty of other days in the week to advertise this movie not during the telecast of a family promoted event such as the state of origin.....my children were subjected to this advertisement which I find highly offensive and inappropriate as my children were in fear from being exposed to this. A review of what is advertised during telecasts of such events should be conducted to prevent the exposure of sensitive persons to such material

THE ADVERTISER'S RESPONSE

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

The advertisements were advertising Conjuring 2 - a feature film in the horror genre that has received a classification rating from the Classification Board of MA15+ for theatrical release. There was a total of 7 TV spots used to advertise the film, which have been classified a 'J' and 'M' respectively by CAD for exhibition on free television. Please see below for a full list of key numbers, cad ratings and where the spots were used.

"Phenomenon Soft" 15 - COJ18319/15 - J CAD rating (used across Metro and Regional TV stations)

"True Files" 30 - COJ18328/30 - M CAD rating (used across Metro TV stations only)

"True Files Soft" 30 - COJ18329/30 - J CAD rating - (used across Metro and Regional TV stations only)

"Phenomenon" 30 - COJ18337/30- M CAD rating (Metro TV stations only)

"Faith" 15 - COJ18340/15 - M CAD rating (Metro TV stations only)

"Afraid" 30 - COJ18346/30 - M CAD rating (Metro TV stations only)

"Documented" 30 - COJ18347/30 - M CAD rating (Metro TV stations only)

The TV spots contain no discriminatory material, exploitative or degrading material, strong or obscene language, nudity, or material contrary to health and safety standards. The TV spots do not depict violence but do contain scary and supernatural themes. This however is relevant to the Film being advertised which is of the horror genre and accordingly unavoidable. The TV spots contain, as required, the classification message for the Film of MA15+ is shown which remains on screen for the required length of time of 10 seconds.

The TV spots have been placed in accordance with the Free TV code of practice applicable to J and M rated TV spots.

The TV spots have been placed in television programs which have a demographic reach which best match the target demographic to which Roadshow seeks to promote the Film ie. people aged 18-29. As this is a broad audience, the television buy for the campaign does include a selection of programs that are targeted towards a broad audience e.g The Voice, The Footy Show, House Rules, NRL and AFL. Most of these fall in the earlier parts of the evening and are rated PG, therefore a "J" CAD TV spot was used. The remaining television buy consisted of crime, thriller, movie and late night programming, and where applicable our "M" CAD rated TV spots were used for these placements. Roadshow has ensured that the TV spots for the Film are not placed in programs which are targeted principally towards children.

As a result of receiving notice of the complaints made by various members of the public in relation to the TV spots, Roadshow has instructed our media agency to cancel all paid advertisement spots that were previously booked before 8.30pm. This came into effect on Sunday 12 June 2016 on free television across Australia.

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 depicts material from a horror movie which is too graphic and causes alarm and distress to both adults and children.

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

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Board noted that there are 7 versions of the advertisement, each featuring scenes from the new movie, 'The Conjuring 2' which is currently airing in cinemas. The Board noted that

5 versions have been rated 'M' by CAD and the other 2 versions have been rated 'J'.

The Board noted it had previously dismissed similar complaints in case 0211/15 where:

“The Board noted there are two television advertisements featured and that they both contain scenes from the movie including supernatural themes and vision of a young girl in one and a young boy in the other. The details of when the movie is to appear in Cinemas are seen at the end...

...The Board noted that whilst some of the images used in the advertisement do depict supernatural activity, these scenes are relevant to the movie and are clearly presented in the context of excerpts from the movie.

Noting the CAD rating and that the advertisement includes quite stylised and unrealistic images, the Board considered that the advertisement presented violence in a manner which is justifiable in the context of the product advertised and did not breach Section 2.3 of the Code.”

The Board first considered the J-rated versions of the current advertisement. The Board noted that the classification is based on the rating of the content of the advertisement and not the rating of the movie being promoted. The Board noted Free TV's Placement Code (http://www.freetv.com.au/content_common/pg-cad-placement-codes.seo) which provides that J-rated advertisements: “May be broadcast at any time of the day, except during P and C [Preschool and Children's] programs or adjacent to P or C periods. Exercise care when placing in programs principally directed to children.”

The Board noted the complainants had viewed the advertisements at various times and during various programs including The Voice, House Rules, Highway Patrol, David Attenborough's The Hunt and The Project. The Board noted the complainants' concerns that The Voice is rated G and considered that this program is rated PG, as are Highway Patrol and House Rules. The Board noted however that The Voice, David Attenborough and House Rules are programs enjoyed by families and considered that although not primarily directed at children the viewing audience of these programs would include a large number of children.

The Board noted the 15 second version of the J-rated advertisement opens with a male voice over saying that in 1977 paranormal investigators experienced a phenomenon which no-one could explain. The Board noted that the voice over is accompanied by clips from the movie including a girl whispering about something hiding in the dark, a dark shadow passing by an image of a woman with a white face, and a room full of crucifixes, some of which are shown rotating of their own accord on the wall while a scared girl watches.

The Board noted the advertiser's response that the scenes used in the advertisements are relevant to the advertised product: a horror movie. The Board noted that it had previously dismissed similar complaints in case 0211/15, above, but considered that in this instance the focus on a young girl, standing in a room full of rotating crucifixes looking terrified, is dark and menacing and the imagery of the advertisement is likely to cause alarm and distress to younger viewers, as well as some adults. The Board noted the scene showing a shadowy figure passing by an image of a woman and considered that this scene, although relevant to the movie, is also likely to cause alarm and distress to younger, and some older, viewers.

The Board noted the 30 second version of the J-rated advertisement opens with a young girl

telling her mother that voices tell her that they want to hurt her mother, followed by text on screen which reads, “Based on the true case files”. The Board noted the following scenes taken from the movie include a woman telling a man that if he carries on he will die and a scared looking girl standing in a room full of crucifixes on the wall which all start to rotate. The Board considered that declaring the movie as being based on true events means that children would be more likely to view the advertisement as realistic and therefore the scenes depicted could possibly happen to them. The Board noted the opening scene of a girl talking to her mother while they sit on swings and considered that this scene reflects a normal activity, identifiable to children, which is then made scary by the girl announcing that voices want to harm her mother. The Board noted the scene where a young girl is alone in a room full of crucifixes. The Board noted that this scene is quite lengthy in the context of a 30 second advertisement and considered that the focus on a distressed child is likely to be distressing to children and adults.

The Board acknowledged that in order to promote a movie the advertiser needs to show some footage of that movie but considered that in this instance the J-rated advertisements feature content which is likely to cause alarm and distress to children and adults and that the level of violence depicted is not justifiable.

The Board considered the 5 M-rated versions of the advertisement. The Board noted that these versions can be aired after 7.30pm. The Board noted that each version differs slightly with regards to content. The Board noted three of the M-rated versions feature text on screen which reads, “Based on a true story” and a fourth M-rated version includes an actual recording of a paranormal experience on which the movie is based. The Board noted all 5 M-rated versions include scenes such as human-like shapes coming through walls or appearing in mirrors, a girl levitating and then thrown against a wall, a girl crying in bed and a girl standing in a room full of crucifixes and trying to get out of a locked room while crying and reaching out to her mother. The Board noted that all the scenes used in the advertisement are taken from the advertised movie but considered that the declaration that the movie is based on a true story means that the footage appears more realistic rather than just a normal horror movie based on fiction. The Board noted the use of crucifixes rotating on their own accord and considered that this is suggestive of *The Exorcist* and although it could be viewed as a clichéd scene in the Board’s view the focus on the young girl’s reaction to the crucifixes is distressing. The Board considered that each version of the M-rated advertisement contains content which would cause alarm and distress to children and in the Board’s view would also cause alarm and distress to many adults.

The Board noted Free TV’s Placement Code which provides: “May be broadcast...7.30pm – 6.00am”. The Board noted the advertiser’s response that they have changed their media buy so that all versions of the advertisement will be aired after 8.30pm. The Board noted that programs enjoyed by families, such as *The Voice*, are aired at this time. The Board recognised the strong concerns expressed by complainants in regard to the frightening content of the advertisements promoting the horror movie. The Board noted the Code provides that: “Prevailing Community Standards apply to Clauses 2.1-2.6” and considered that the level of community concern regarding the distressing content in the advertisements is an indication that the content is in breach of Prevailing Community Standards. The Board considered that the imagery and supernatural themes contained in the advertisements depicted a level of violence that was not justifiable in the context of the product or service advertised.

The Board determined that the advertisement did breach Section 2.3 of the Code.

Finding that all 7 versions of the advertisement did breach Section 2.3 of the Code, the Board upheld the complaints.

THE ADVERTISER'S RESPONSE TO DETERMINATION

Further to the notification with regards to the Conjuring 2 complaints being upheld, please note:

- All advertisements for Conjuring 2 have been pulled from air. Advertising ceased on TV on Sunday 26 June 2016.

- Roadshow has noted the ASB's and community concerns and exercises all due care in advertising of horror films.