



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0019/12</b>
<b>2</b>	<b>Advertiser</b>	<b>Hewlett-Packard Australia Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>Information Technology</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Pay TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>08/02/2012</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

A man wakes to noises in his house and goes down stairs to investigate. He finds two of his friends watch a scary movie. They are all frightened by the life-like quality of a zombie-like character that appears on the screen during the movie.

### THE COMPLAINT

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

*I object to this ad plain and simply that the pictures that are on the Laptop screens are of a highly graphic nature and do not belong on the TV they are in the context of a horror picture and I believe not are suitable at anytime on the television as an advertisement for a product. I understand that they are on after the restrictive hours however I still believe that the images portrayed are not suitable for television as every time the ad comes on my family either have to change to channel or have to look away and mute the television quickly but as they have already been subjected to the advertisement on numerous occasions this becomes very difficult and considering that the advertisement was on 4 times within a half an hour of television from 7:59pm - 8:30pm I think this is over the top and unacceptable. Believe the content is inappropriate to be shown during the day as young children may be frightened by the horror style content.*

## **THE ADVERTISER'S RESPONSE**

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

*The HP TV commercial outlined is designed to promote the life-like picture and sound quality of the HP Pavilion dv7 notebook PC when watching movies. The men portrayed in the commercial being scared by the movie they are watching illustrate the life-like experience in a comical way.*

*The TV commercial aimed at a mature audience received an 'M' rating and measures were taken to only shown at night to avoid children viewing hours in accordance with the advertisers' code. We note a specific complaint outlining a 6.30-7pm timeslot on Channel 9 however have no record of requesting, booking or the ad appearing anywhere at this early time period.*

## **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 is alarming and inappropriate for viewing especially by 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 of the Code 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 the advertisement depicts a man waking to a noise in his home who then creeps downstairs and startles others who are watching something on the laptop. The image on the laptop then switches to a zombie style scene from a scary movie.

The Board noted the complainants' concerns that the zombie type image that appears on the laptop is frightening and could cause distress to adults and children alike.

The Board noted community concern about depictions of graphic images in the context of violence and also noted that the advertisement was given an 'M' rating. The Board noted that the rating was indicative of a later time slot that the advertisement should be aired in, and that it is unlikely that young children would be watching programs at this time.

The Board noted that the advertisement itself does not depict violence but that this type of image would likely be frightening to children and agreed that the advertisement is suited to the 'M' rated timeslot so as to limit any viewing by young children.

In the Board's view the advertisement presents violence in a manner that is justifiable in the context of the product being advertised, as it is considered that quality imagery and sound is considered important by the community in relation to computer products and in particular those who utilize their computers for watching movies.

The Board determined that the advertisement did not breach section 2.3 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.