



Case Report

1	Case Number	0052/17
2	Advertiser	Universal Pictures
3	Product	Entertainment
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	08/02/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

There are six versions of this television advertisement promoting a movie called Split. Each version features various scenes from the movie about a man named Kevin who has 23 different personalities living inside him. These scenes include Kevin threatening two women in a car, a therapist talking about Kevin, and some women who appear to have been locked up by Kevin.

THE COMPLAINT

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

An advertisement for a thriller movie called split came on. It only am I appalled, this completely disturbed my children!

I would expect that a PG show which you know young kids would be watching, wouldn't have scary movies (Split) advertised. I trusted the kids to be safe to watch the show and any ads that came along - I am disappointed.

The images and content is offensive because it portrays creepy and scary images of people and people who are terrified. It is repeatedly shown on this channel and I am continually

seeing it and find it offensive and having to keep switching it off. This is not something I want to have to keep seeing on TV and it is not suitable for children.

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 SPLIT, specifically in regards to the TVC advertisements depicting violence which causes 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 violence unless it is justifiable in the context of the product or service advertised."

Split is a fictional thriller film which contains numerous scenes which could be scary in nature and psychological suspense. 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 IMD (on behalf of Universal Pictures) liaises with CAD to obtain approval on the SPLIT TVC spots.

Universal Pictures produced a number of TV spots for the SPLIT 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)

In this instance, we obtained CAD clearance to display the advertisement according to the guidelines provided for a J rating.

The following approval was obtained by Universal Pictures from CAD:

Parental Guidance/Warning "J" 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 spot was cleared for broadcast at any time of day except in P or C rated programming.

Universal Pictures and MediaCom exercised care with the planning and selection of the TV schedule and focused on programming that skews 18+.

Please also note that all advertising materials for this film have displayed the CTC (Check the Classification) logo for the required duration and have now been updated with the M classification and corresponding advice: M – Mature themes, violence and occasional coarse language

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.

Please let us know if you require any further substantiation.

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 features scary content which is not appropriate for children to see.

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 6 versions of this television advertisement promoting the new movie, ‘Split’, with each version featuring scenes from the movie.

The Board noted that each version had been rated ‘J’ by CAD which means they can aired at any time except during, or adjacent to, Preschool and Children’s programs, and that care should be taken when placing in programs principally directed to children. The Board noted the advertiser’s response that each version of the advertisement had been aired in accordance with the Free TV Code of Practice (http://www.freetv.com.au/media/Code_of_Practice/Free_TV_Commercial_Television_Industry_Code_of_Practice_2015.pdf).

The Board noted that each version of the advertisement contain scenes from the Split movie and considered that while there is a suggestion of suspense and fear, and in one scene we see a woman pointing a gun at an unseen person/object, in the Board’s view the actual content is not graphic.

The Board acknowledged that some members of the community would prefer that this type of movie not be advertised, especially at times when children can view them, but considered that in the context of a horror movie the actual content of the advertisement is relatively mild.

The Board noted that the rating of the advertisement means it would likely be viewed by children but considered that the content of the advertisement, although suspenseful, was not inappropriate for a broad audience and in the Board’s view the content is justifiable in the context of promoting a movie in the horror genre.

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 complaints.