



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0060-21
2. Advertiser :	The Walt Disney Company
3. Product :	Entertainment
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	24-Mar-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.3 Violence

DESCRIPTION OF ADVERTISEMENT

This television advertisement is promoting the Disney Plus subscription service. The Advertisement two zombie-like characters discussing in various everyday settings the extensive range of new titles available on the Star brand on Disney+, with one character complaining about there being no zombie films.

THE COMPLAINT

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

As described above, the advertisement has zombies in the ad, they are not relevant to the channel, are terrible to look at, showing at 6 pm - children may be scared, I think they are menacing to watch and should be removed from the TV.

Quite gruesome costumes and children are still watching tv. The advertisement is rated M15+ but not much chance to have kids avoid seeing it.

Zombies for an advertisement for Disney star showing through hours of the evening where children are still awake, is disgusting. My young niece and nephew were absolutely petrified watching this. It's MA 15+ ... they are 4 and 6. Why would you show it whilst young children are awake.



Its upsetting to children, shown far too early

This add is quite distressing and frightening to children. Especially as this add is played during G rated family friendly shows.

The add depicts physically distorted and mutilated people (including someone who's arm falls off) Zombies, walking dead, zombie vampires etc. These characters are quite frightening especially when as a family one is watching something to relax and unwind before children's bedtime.

THE ADVERTISER'S RESPONSE

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

Introduction

This a response of The Walt Disney Company (Australia) Pty Ltd ("TWDC Australia") to the complaints received by Ad Standards and notified to TWDC Australia on 5th and 16th March 2021 (Ad Standards reference 0060-21) (referred to collectively in this response as the "Complaint"). The Complaint relates to an advertisement (the "Advertisement") for the launch of the new Star branded content category within the Disney+ subscription video-on-demand streaming service, and the associated content to appear under that brand. TWDC Australia welcomes the opportunity to respond to the Complaint and for the reasons set out below, believes the Advertisement does not breach any of the AANA Advertising Codes.

The Advertisement

Star on Disney+ is the new brand under which general entertainment and content appealing to an adult audience has recently been included on Disney+. As such, the Advertisement is aimed at a general entertainment audience and is intended to showcase the large and diverse volume of additional content now available on Disney+, with an emphasis on titles that will be appealing to an adult audience, including M and MA15+ rated titles. Subscribers must be 18 years of age or older to subscribe to Disney+, therefore all advertisements for Disney+, including the Advertisement, are not targeted at children.

The Advertisement is a parody of the zombie film genre and depicts in a humorous manner two zombie-like characters discussing in various everyday settings the extensive range of new titles available on the Star brand on Disney+, with one character complaining about there being no zombie films. This faux sense of outrage grows during the course of the Advertisement, culminating in the character leading a protest against the apparent omission of zombie genre movies from Star. The twist in the Advertisement comes when the other main character discovers in further reviewing the range of available titles, that Star does in fact include zombie genre



films, thereby demonstrating that Star on Disney+ really does have something for everyone, even zombies.

The tone of the Advertisement is humorous and non-threatening. There is no blood detail shown, and the impact of any gore is mitigated by the use of humour and brief references. Whilst mild themes are included, by contrast, the typical more frightening violence and themes usually associated with zombies (brain eating, violence, references to the undead) are deliberately omitted from the Advertisement. There are many other examples of zombies being presented in popular culture in a humorous way and other than in a manner that is intended to be threatening or scary to viewers. Zombies have been used widely in comedy films (Shaun of the Dead, Zombieland, Pride and Prejudice and Zombies), and even in content created for and directed primarily at children (Paranorman, the Disney Channel Original Movie, "Z-O-M-B-I-E-S", both of which are classified PG).

The Advertisement was assigned an H Placement Code by ClearAds, which equates to a PG rating. An H Placement Code indicates that care should be taken when placing the Advertisement during programming that is likely to attract a substantial child audience. In order to target a particular defined audience group to whom the new Star content offering on Disney+ is likely to be appealing, the Advertisement has been shown, amongst others, during evening news television time slots on commercial networks as well as during general entertainment evening programming, such as lifestyle and home improvement shows. In accordance with ClearAds guidance for advertising which is assigned an H Placement Code, the Advertisement has not been placed during or immediately following P or C rated programming or programming that is otherwise likely to attract a substantial child audience or that is primarily targeted to children. Evening news programming and lifestyle shows are not a category of programming that is intended for, or could reasonably be expected to attract, a substantial child audience. We also note that news bulletins broadcast during this same time slot often include images and footage that are far more graphic and violent than the Advertisement. Independently, TWDC Australia's qualified content assessors determined that the actual content of the Advertisement would be accommodated at a PG classification, consistent with the ClearAds rating.

Compliance with Advertiser Code of Ethics

TWDC Australia believes the Advertisement complies with the AANA Advertiser Code of Ethics, as set out below. TWDC Australia does not believe the Food & Beverages Advertising Code, Environmental Claims Code or the Wagering Advertising Code apply to Advertisement given the nature of the Disney+ service being advertised, and our response to the Complaint therefore considers the Advertiser Code of Ethics only.

Whilst the Complaint appears to raise only a concern under section 2.3 of the Advertiser Code of Ethics, we consider each of the elements in section 2 below.

(i) Section 2.1: the Advertisement does not portray people in a manner which discriminates against or vilifies one of the listed protected attributes in the Code.



Indeed, it does not depict people at all. Notwithstanding the actors are portraying zombies, the zombie characters are not depicted in a way that discriminates against any underlying attribute listed in the Code.

(ii) Section 2.2: the Advertisement does not employ sexual appeal in any way.

(iii) Section 2.3: the Advertisement does not present or portray violence. Notwithstanding the underlying zombie theme, the Advertisement itself is a clear parody and does not contain graphic or gruesome elements, gore, violence or is otherwise menacing. The actors' make-up, whilst generally suggestive of zombies, has intentionally avoided graphic use of blood and gore and shows only mild scarring. The actors converse in normal human voices without affectation and the music lends an air of upbeat, non-threatening curiosity. The actors are depicted engaging in normal non-threatening human activities such as commuting to work, watching TV, walking in the park, attending an office and even peacefully protesting, rather than the violent or menacing activities zombies are usually depicted engaging in. When taken together, these elements give the Advertisement an overall sense of parody, humour and light-heartedness and, in the targeted television audience, should not reasonably cause alarm or distress. The Complaint makes reference to the Advertisement being rated MA15+, however this fundamentally misunderstands the reason for including the MA15+ rating bug in the Advertisement. As noted above, the Advertisement was rated H by ClearAds which equates to a PG rating. In accordance with ClearAds requirements, the rating bug appearing in the Advertisement is not to indicate to viewers that the Advertisement itself is rated MA15+ but is rather to inform viewers that the Advertisement is promoting movies or programmes that are rated MA15+, even though there is no MA15+ level content included in the actual Advertisement.

(iv) Section 2.4: the Advertisement does not does not contain any elements suggestive of sex, nudity or sexuality.

(v) Section 2.5: the Advertisement does not use strong or obscene language or which is otherwise inappropriate for the relevant targeted audience.

(vi) Section 2.6: the Advertisement does not depict dangerous activity that is contrary to community standard with regards to health and safety.

(vii) Section 2.7: the Advertisement is clearly distinguishable as an advertisement. It discusses Disney+ and the range of additional new programming available under the Star brand, as well as the launch of parental control functionality. There is a clear call to action on an end-card identifying the Disney+ product together with a voiceover.

Conclusion

Having carefully considered the Complaint and the elements of the Code of Ethics, TWDC Australia submits that the Advertisement is not in breach of the Code. We would be pleased to provide further information or materials or respond to any questions if helpful to the Ad Standards Community Panel in its deliberations.



THE DETERMINATION

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

The Panel noted the complainants' concerns that the advertisement depicts zombies at a time when children can view the advertisement, and that the advertisement is rated MA15+ and is played in general viewing times.

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

The Panel first addressed complainants' concerns that the advertisement is rated MA15+. The Panel noted that this concern is not within the provisions of the Code, however the Panel noted the advertiser's response that the rating appearing in the advertisement is not to indicate to viewers that the advertisement itself is rated MA15+ but is rather to inform viewers that the advertisement is promoting movies or programmes that are rated MA15+.

Section 2.3 Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

The Panel noted the Practice Note for this section of the Code which states "Graphic depictions of violence or a strong suggestion of menace have been found to present violence in an unacceptable manner especially when visible to a broad audience which includes children. For example, advertising for violent or horror movies, tv shows or video games should take care not to include images that give the impression that a character has just committed violence against someone (for example, a weapon with dripping blood), was the victim of violence (for example, freshly severed limbs) or is about to commit violence against someone (for example, gun aimed directly at a person or the viewer) where there is a broad audience which includes children".

Does the advertisement contain violence?

The Panel noted that the advertisement does depict people who are intended to be zombies. The Panel considered that the zombies themselves are depicted in a manner which is not highly graphic or gory, and move in a manner that is not aggressive.

The Panel noted that the advertisement depicts apocalyptic scenes and that the theme of the advertisement is that zombies are now the sole population and have employment and social lives.

The Panel noted scenes in the 15sec and 60sec versions of the advertisement feature certain zombies losing a limb. The Panel noted that the zombies do not appear to be in pain or distressed as a result of this, however considered that some members of the community may consider this to be a depiction of violence.



Overall, the Panel considered that all versions of the advertisement contains imagery which some members of the community may consider to contain violence.

Is the violence portrayed justifiable in the context of the product or service advertised?

The Panel noted that the advertisement was promoting a streaming service. The Panel considered that the advertisement used a movie trope of zombies to advertise a movie streaming service and considered that the advertisement was relevant to the product.

The Panel considered that the advertisement is highly stylised and does not show any blood/gore or highly graphic imagery. The Panel considered that the violence in the advertisement would be considered by most members of the community to be mild.

The Panel considered that the mild depiction of violence was justifiable in the context of the product being advertised and was not inappropriate for a broad viewing audience that would include children.

Section 2.3 conclusion

In the Panel's view the advertisement did portray violence that was justifiable in the context of the product being advertised and did not breach Section 2.3 of the Code.

Conclusion

Finding that the advertisement did not breach the Code on other grounds, the Panel dismissed the complaints.