



Ad Standards Community Panel
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Case Report

1. Case Number :	0068-22
2. Advertiser :	Sony Pictures Releasing
3. Product :	Entertainment
4. Type of Advertisement/Media :	TV - On Demand
5. Date of Determination	13-Apr-2022
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.3 Violence

DESCRIPTION OF ADVERTISEMENT

This TV-on-demand advertisement is a promotion for the film, "Morbius". It includes scenes showing:

- a man pointing a knife at the character Morbius' head. Morbius grabs the man's hand and twists the knife so it's pointed back at him
- Claw's coming out of a human hand
- someone jumping out a window and flying through the air in a smoke-like form
- Someone jumping in front of a train and then flying in front of it
- A policeperson pointing their gun upwards towards a flying figure.

THE COMPLAINT

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

This ad was placed during a program intended at very young children. Children are highly impressionable and seeing scary things like that on TV will give them nightmares. Children that young do not understand that live action TV is not real leading them to believe in scary monsters.

I understand that this film is yet to be classified but it clearly does not have a G rating but will most likely have an MA rating.

Not age appropriate advertising on a streaming service while streaming g rated shows



I watch the soccer on demand with my kids and in the middle of the game the ad for Morbius comes on and scares the living hell out of them - you are not able to fast forward and now they have had nightmares for a week

I don't think content like this should be allowed

THE ADVERTISER'S RESPONSE

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

The 30 second TV commercial 'Discover Powers Aus 30' is an advertisement for the superhero film MORBIUS, released in Australian cinemas on March 31, 2022. It shows the character Dr. Michael Morbius, played by Jared Leto, and the superhero character Morbius, based on the Marvel comic book of the same name. The TVC displays the title of the film, release date and OFLC 'Check-The-Classification' logo, according to advertising guidelines prior to film classification.

An MP4 of Discover Powers Aus 30 has been uploaded as part of the submission feedback for the committee's review:

https://panthercdn.dmsukltd.com/pan3/sony_localisation/morbius/aus/batch_11/spr/mordpo30d_low-res.mp4

All TVC's for the MORBIUS advertising campaign were submitted to CAD for rating before being delivered to the TV stations and online publishers, as per regulation. The TVC was delivered with the confirmed film rating advice with instructions to use during programs and timeslots appropriate for the CAD rating.

We received the following rating from CAD for the 30 second 'Discover Powers Aus' TVC on March 15, 2022.

This was on video on demand, which does not follow the same approval processes / CAD ratings as standard broadcasting networks. Regardless, the CAD information was supplied to Ten and they had approved the spot to run against the targeting we had bought in our media.

As a piece of TV advertisement, the TV advertisement for MORBIUS in question 'Discover Powers Aus 30' does not breach any part of Section 2 of the Code of Ethics and had been classified as safe to air during general programming.

- 2.1 - Discrimination or vilification – this is not present in the aforementioned TVC
- 2.2 - Exploitative or degrading – this is not present in the aforementioned TVC
- 2.3 – Violence – no impact of violence is present in the aforementioned TVC
- 2.4 - Sex, sexuality and nudity – no sex, sexuality or nudity is present in the aforementioned TVC
- 2.5 – Language – no obscene language is present in the aforementioned TVC



- *2.6 - Health and Safety – health and safety is not breached in the aforementioned TVC*
- *2.7 - Distinguishable as advertising – all required advertising markers are present on the TVC to be easily identified as such (i.e. CTC, film title, in cinemas release messaging)*

- *AANA Code of Ethics\2.3 Violence\Causes alarm and distress – this TVC was classified as a P-CAD and had been deemed suitable to be placed in video on demand environments featuring sport*
- *AANA Code of Ethics\2.3 Violence\Causes alarm and distress to children – this TVC was classified as a P-CAD suitable to be viewed with parental guidance; it was not aimed at children and had been deemed suitable to be placed in video on demand environments featuring sport*

In relation to the AANA Code for Advertising and Marketing Communications to Children, this TVC was not intended to be directed to children or played within children’s programming; Paw Patrol and Blaze. Our media agency – OMD Australia – had set up to target logged-in users between the ages of 18 and 39 on 10Play. Therefore, there were parameters in place which should have excluded child viewers and we would not have insight on what parental locks each individual user has in place to prevent children from viewing content – including advertising – not created or intended for their exposure.

Since this issue has been raised to us on this campaign, we have worked closely with OMD Australia and 10 to implement additional controls to ensure this does not happen again on a film of this nature. In addition to having the age overlay in our planning, we are adding further restrictions to exclude all children’s programming in our media buys on 10Play to avoid any kind of future adverse experiences where children may be viewing on a parent’s device. Please see attached supporting letter from 10, which gives further detail into how this has been addressed.

We can confirm the advertisement in question is no longer running against any paid media lines as our Morbius paid advertising campaign has finished. It’s last date of activity was Saturday March 26th.

If the Committee requires further information, please do not hesitate to reach out to us.

THE DETERMINATION

The Ad Standards Community Panel (Panel) considered whether the versions collectively forming this advertisement breach Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants’ concern that the advertisement is for a film with themes and images that are inappropriate for children to see, and it was played in an inappropriate program.



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

Section 2.3 Advertising 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".

The Panel noted that this advertisement was broadcast on TV-on-demand which does not require classification and that broadcast times are set by the advertiser and the station.

The Panel further noted that TV on demand is a subscription service and that the complainants indicated that they were watching children's programs. The Panel considered that while the on-demand television does require an adult to log-in, the predominant audience for programs such as 'Blaze' and 'Paw Patrol' would be young children.

Does the advertisement contain violence?

The Panel noted that the imagery of the advertisement contains depictions of a knife, and action scenes. The Panel considered that in particular the scene showing one person pointing a knife at another was menacing and considered that the advertisement did 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 superhero/action film titled Morbius which is rated M.

The Panel considered that although the advertisement contains distressing images, such as a knife, the advertisement uses quickly changing scenes which lessens the impact of this scene. The Panel considered that there is no focus on blood or gore, noting that blood does appear in the advertisement.



The Panel noted that the advertised product is a film that contains violent action sequences and graphic imagery, and noted that the scenes shown are from the film.

Overall, the Panel considered that the tone of this advertisement was suspenseful and frightening, and contained only a mild level of violence. The Panel considered that the level of violence was justifiable in the context of advertising a violent movie. The Panel considered that the advertisement was not inappropriate for showing during G rated programming, even if the audience was predominantly children.

The Panel considered that most people would not expect advertising shown during streamed children's programs to be violent. The Panel noted the advertiser's response that adults can use parental locks, but noted in this instance such locks would prevent children from streaming the shows altogether and would not moderate the advertisements shown.

The Panel considered that it is the responsibility of the advertiser when booking spots on on-demand television to specify that they do not want the advertisement shown during children's programming. The Panel encourages advertisers to take pro-active action when booking spots on on-demand television to ensure that the advertisement is only being placed in appropriate programming.

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.