



Ad Standards Community Panel
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AdStandards.com.au

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Case Report

1. Case Number :	0069-22
2. Advertiser :	Sony Pictures Releasing
3. Product :	Entertainment
4. Type of Advertisement/Media :	TV - Pay
5. Date of Determination	13-Apr-2022
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.3 Violence

DESCRIPTION OF ADVERTISEMENT

This Pay TV 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:

I'm watching footy with an 8,6 and 2 year old on a Saturday afternoon and horror movies are being advertised with with scary images for a child. Not the first time but the worst so far.

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, as per regulation. The TVC was delivered to networks with the confirmed film rating advice with instructions to use during programs and timeslots appropriate for the CAD rating.

The CAD guidelines state that TVCs rated as 'P' are suitable for PG rated programs and "may be broadcast at any time except during P and C (Children's) programs or adjacent to a P and C periods".

Material Instructions were provided to Foxtel programming team to place our P-rated spot in programming where this was required. This programming was purchased through our media agency OMD Australia.

The program which the TVC was viewed in and received complaint against was Fox Footy AFL game between Collingwood Magpies and Adelaide Crows. The nature of Australian Rules Football is action based. It's a physical sport and there is contact and impact with players vying for the ball. As a result of this, viewers would therefore be familiar with some level of action.

MORBIUS was approved for advertising on the likelihood that it will be classified M. Films classified M are recommended for mature audiences but carry no legal age restrictions. MORBIUS received an M classification from the OFLC on Tuesday March 15th, 2022.

As a piece of TV advertisement surrounding AFL, 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 sport programming. 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

- 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)*
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- *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*

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 Pay TV during live sports, and the audience would primarily be adults but would also include 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 to be shown during a sports program.

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.