



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0070-20
2. Advertiser :	Sony Pictures Releasing Pty Ltd
3. Product :	Entertainment
4. Type of Advertisement/Media :	TV - On Demand
5. Date of Determination	26-Feb-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.3 Violence

DESCRIPTION OF ADVERTISEMENT

This TV On Demand advertisement features scenes from the film Fantasy Island', including a scene at the end depicting a black substance coming from a pair of eyes.

THE COMPLAINT

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

At the end of the ad there is a close up of eyes which burst with blood from the irises which is very graphic.

THE ADVERTISER'S RESPONSE

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

- *A description of the Advertisement;*
The creative in question was an AV digital piece advertising the film Fantasy Island (released in cinemas on February 13, 2020). It depicted story set up of the island which turns fantasies into reality with a thriller twist. The creative featured all main cast,



shots of the island environment and scenarios of each character's fantasy playing out. As part of this premise that the island will present your fantasies with a twist or repercussion, the creative features a scene with a black substance bleeding from the eyes.

The advertisement was approved by Nine Now ahead of it going live.

*• Your comprehensive comments in relation to the complaint (taking into account the need to address all aspects of the advertising codes).
When viewing the advertisement in its entirety, the surrounding material provides context of the thriller genre and suspenseful nature of the film which builds throughout the 30 seconds. There is a callout to producers of known thriller properties Get Out and Halloween which further plays into the expected twist to occur revealing the more sinister undercurrent of the island in preparation (- and in some cases - anticipation) of audiences viewing.*

In relation to any violation of Section 2 of the AANA Code of Ethics, we don't believe the perceived graphic nature of the exploding eyeballs mentioned in the complaint, or the remainder of the advertisement, step outside the below guidelines:

2.1 Discrimination or vilification

This piece of creative does not discriminate or vilify anyone personally and the characters portrayed within it are instead depicted as overcoming any past discrimination or vilification they may have experienced through the mystical powers of Fantasy Island.

2.2 Exploitative or degrading

At no point during this advertisement does it depict exploitative or degrading behaviour or simulation.

2.3 Violence

Although some building sense of suspenseful thriller elements are portrayed within the creative, there is no depiction of overt violence.

2.3.1. The visuals within our advertisement do not feature any graphic depictions of traffic accidents or consequences of domestic violence.

2.3.2. The advertisement does not feature sexual violence.

2.3.3. The advertisement does not feature menace or violence in an acceptable way; rather the advertisement is centred around a mythical world where an island has the power to make your fantasies a reality which results in consequences. This is in no way meant to depict a true reality or real-world setting or promote menace or violence as acceptable, it is entertainment.

2.3.4. There is no audio representation of violence.

2.3.5. There is no violence against animals.

2.3.6. The advertisement is not promoting a violent game and is not using violence as part of its promotion, it is centred on suspenseful horror and thrills.



2.3.7. The advertisement does not portray realistic depictions of the consequences of violence. The substance emitting from the eyeballs is black, not a realistic representation of blood.

2.3.8. Whilst not cartoonish, any build up to the thrilling nature of the film is clearly done so as part of a creative advertisement for an entertainment property that viewers would have to pay to see and therefore would require their consent to view any more content in relation to it.

2.4 Sex, sexuality and nudity

This advertisement does not feature sex, sexuality or nudity.

2.5 Language

Course language is not present within this creative advertisement.

2.6 Health and Safety

The fictional nature of this advertisement does not contradict any real-life health and safety warnings and procedures, nor by watching it does it pose a health and safety risk to the viewer/s.

2.7 Distinguishable as advertising

From beginning to end of the 30 second advertisement, lower-third supers are present with the film title, release date and CTC displayed prominently. It opens with clear studio logo placement to indicate a film advertisement and ends with the call to action of being "in cinemas February 13" leaving no room for confusion that this is in fact a film advertisement and not real-life content.

In Summary

In addition to the above, we would like to bring attention to the fact that the advertisement was playing in Married At First Sight programming. We specifically bought this programming as this content is programmed within an M timeslot in broadcast environments and is mature in nature. We ensured that this creative was never serviced within content that is/should be watched by children. Married At First Sight features mature themes and references, sexual themes and references and course language therefore, we assumed a more mature audience would be served our advertisement.

We would also like to bring to attention the fact that this complaint is the sole complaint we have received on this campaign. This same scene, with the eye vision that the complainant refers to, has been heavily used across our broader digital campaign without incident.

The advertisement in question is no longer live in any advertising environments.



THE DETERMINATION

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

The Panel noted the complainant's concern that the advertisement features a scene depicting eyes bursting with blood which is very graphic.

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

The Panel 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 Panel noted that the Practice Note for the Code states:

"The Community Panel has also found that a strong suggestion of menace presents violence in an unacceptable manner and breaches this section of the Code."

The Panel noted that the advertisement was broadcast during the television program 'Married at First Sight' and noted that the program is rated 'M'. The Panel noted the advertiser's response that 'Married at First Sight' features mature themes and references, coarse language and sexual themes and that the expected audience for the 'M' rated program is adult.

The Panel noted that the first half of the advertisement did not contain any imagery which could be considered under Section 2.3. The first half of the advertisement shows various people arriving on an island, undertaking activities and socialising.

The second half of the advertisement continues with similar scenes but these scenes are interspersed with horror themed imagery, such as a hand grabbing a woman as she sleeps, a woman who appears to be wet and gagged, a man dressed as a surgeon pulling his mask down to show his lips are sewn together, a burnt man, a woman being pulled underwater, and a close up of eyes that turn black and bleed black.

The Panel noted that all of these scenes are very fleeting, and with the exception of the eyes are shown next to a normal, non-menacing scene in a split-screen manner.

The Panel noted that the music in the advertisement is an upbeat song in the first half of the advertisement but that the music, sound effects and dialogue became suspenseful in the latter half of the advertisement.

The Panel considered that some of the scenes would constitute violence, but that these scenes were fleeting of themselves and were not a large portion of the overall advertisement.



The Panel noted that the initial scenes of the advertisement created a happy island holiday theme and that the change to include menace was likely to be unexpected for some viewers.

Overall, the Panel's considered that the tone of this advertisement was suspenseful and frightening, and contained a low level of violence. The Panel considered that the level of menace was not excessive in the context of an advertisement for a horror movie. In the Panel's view the violence and menace portrayed in the advertisement was justifiable in the context of the product advertised and did not breach Section 2.3 of the Code.

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