



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0078-20</b>
<b>2. Advertiser :</b>	<b>Universal Pictures</b>
<b>3. Product :</b>	<b>Entertainment</b>
<b>4. Type of Advertisement/Media :</b>	<b>TV - Free to Air</b>
<b>5. Date of Determination</b>	<b>25-Mar-2020</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.3 Violence

### DESCRIPTION OF ADVERTISEMENT

There are two versions of this television advertisement which feature scenes from the film 'The Invisible Man'.

The first version features:

- a man standing in a doorway says, "OK" and a woman sitting on the ground says, "someone's sitting in that chair". An empty chair is shown.
- two men in suits are interviewing the woman in an interrogation room. One of them says, "you say the person that's trying to kill you is in the room right now. But we can't see him."
- The woman is seen standing outside her house. She says, "hello?" someone can be heard breathing out and condensation from a breath can be seen behind the woman's ear.
- The woman says, "he has figured out a way to be invisible." and a man responds, "that's ridiculous" the woman responds, "you don't know him. He said that wherever I went he would find me and I won't be able to see him."
- The woman is seen having a shower and a handprint appears on the glass.
- The woman is looking down from the top of a ladder. She throws paint down the ladder and it lands on an invisible person.
- The woman says, "show yourself. Come on!"
- two cars are seen hitting each other
- A swat team carrying guns are seen moving through a house.



The second version features:

- The woman's voice saying, "Adrian is a sociopath. He said that wherever I went he would find me." A man responds "he's not out there".
- A woman is seen running through a forest and beside a road.
- The woman is sitting in a car when a person hits the glass next to her making her jump
- A woman says, "Adrian is dead." The woman responds, "He's not dead. I just can't see him."
- The woman is seen having a shower and a handprint appears on the glass.
- The woman's voice says, "he has figured out a way to be invisible. I can prove Adrian is stalking me."
- The woman is hiding. A man can be heard breathing and glass on the floor moves as though someone is standing on it.
- The woman is looking down from the top of a ladder. She throws paint down the ladder and it lands on an invisible person.
- The woman says, "show yourself. Come on!"
- A swat team carrying guns are seen moving through a house.
- two cars are seen hitting each other
- the woman is standing holding a gun
- a person covered with bandages is lying in a hospital bed
- The woman is seen standing outside her house. She says, "hello?" someone can be heard breathing out and condensation from a breath can be seen behind the woman's ear.

### **THE COMPLAINT**

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

*The time of night when children are still up watching a film that has a rating of R. This is a horror film that deals with strong concepts that I don't want to have to explain to my children and also I don't want to have to deal with their nightmares and my own nightmares. It's not okay to have these ads on at a time when children are still awake.*

*The subject and visuals were showing images that made me uncomfortable.*

*The music and images were extremely frightening for my 8 year old daughter who likes to watch survivor*

*I have an issue with an R-Rated movie being advertised when a child can see it. The ad is scary and is scaring my 7yr old daughter and giving her nightmares. The ad is being shown during peak viewing times for children.*



## THE ADVERTISER'S RESPONSE

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

*Advertiser did not provide a response.*

## THE DETERMINATION

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

The Panel noted the complainants' concerns that the advertisement:

- this is a horror film with strong concepts which is inappropriate for children to see
- the images were uncomfortable to watch
- is for an R rated movie
- is frightening to children

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 the complainants' concern that the advertisement was for an R rated movie which was not appropriate to advertise to children.

The Panel noted that the film 'The Invisible Man' was classified MA15+ in Australia, however noted that there are no restrictions on a film with a high classification being advertised in a medium where children can see it, so long as the content of the advertisement itself is not in breach of the Code.

The Panel noted that the advertisement had been given a 'H' rating by ClearAds meaning, "*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 likely to attract a substantial child audience.*" ([https://www.clearads.com.au/wp-content/uploads/2020/02/ClearAds-Handbook-\\_Edition-8.1.pdf](https://www.clearads.com.au/wp-content/uploads/2020/02/ClearAds-Handbook-_Edition-8.1.pdf)). The Panel considered that complainants had viewed this advertisement in shows such as Survivor, The Project and A Current Affair and that this was in line with the rating.

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 considered that both versions of the advertisement contained dialogue about the woman being followed by an invisible man, and that people did not believe her. The Panel acknowledged that this was a menacing theme which some viewers may find uncomfortable, however considered that this theme was directly relevant to the movie being promoted.

The Panel considered that both versions of the advertisement contained the scenes featuring the invisible man breathing behind the woman, and the woman throwing paint on the invisible man. The Panel considered that these scenes were menacing, however were relevant to the theme of the movie. The Panel considered that the scenes did not contain blood or gore, and the woman was not seen to be harmed.

The Panel noted that the remaining scenes in both versions of the advertisement are very fleeting and there is no focus on any particular scene. The Panel considered that both versions contained images of weapons, but these were fleeting and were not pointed at anyone and the guns were not fired.

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 complaints.