



Ad Standards Community Panel
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Case Report

1. Case Number :	0079-20
2. Advertiser :	Universal Pictures
3. Product :	Entertainment
4. Type of Advertisement/Media :	TV - On Demand
5. Date of Determination	25-Mar-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.3 Violence

DESCRIPTION OF ADVERTISEMENT

There are three versions of this TV On Demand 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 third versions 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
- The woman is seen having a shower and a handprint appears on the glass.
- A woman says, "Adrian is dead." The woman responds, "He's not dead. I just can't see him."
- The woman is seen standing outside her house. Someone can be heard breathing out and condensation from a breath can be seen behind the woman's ear.
- The woman's voice says, "he has figured out a way to be invisible. I can prove Adrian is stalking me."
- The woman is looking down from the top of a ladder. She throws paint down the ladder and it lands on an invisible person.
- A swat team carrying guns are seen moving through a house.
- Two cars are seen hitting each other
- The woman says, "show yourself!"
- The woman is standing in the kitchen and picks up a knife, then she is pushed, slides along a table and slides along the floor.



THE COMPLAINT

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

The ad is within a PG program that is directed at families. My kids are 7,10 & 12 years and love ballroom dancing and we watch it as a family. After watching this program and seeing these ads, which you cannot fast forward and are louder than the original content, my kids couldn't sleep and had nightmares. this is not the 1st time where this sort of content is played in pg programs. It is unacceptable to have a rating system and then side-step it within the ad content. Adult targeted ads shouldn't be shown in PG programs. Have a look at the trailer yourself. <https://www.imdb.com/title/tt1051906/>

I have been watching pg documentaries on channel 9 catchup. I then switched to channel 10 to watch Bondi Rescue another pg program. For at least the last week i have been bombarded at every ad break by this invisible man movie trailer. 1. This movie is R rated, i do not watch movies with this rating. 2. The adverts for this movie include a woman being attacked in a kitchen, thrown against a bench, thrown to the floor and dragged. 3. I do not understand how whilst watching pg programs i can be bombarded by offensive violence against women? 4. If i were watching an R rated program i would understand this trailer being shown, but i am not, i am watching pg shows and it seems no matter which channel i watch i cannot escape this offensive advert - have you seen the news tonight where the latest victim of family violence has been set alight and burnt to death with her children in her car? Why would i want to watch this horrendous movie trailer?

I am offended because i think the advert or trailer rating should be matched to the program you are watching. If i am watching a pg show, i do not expect to see any adverts above pg, and certainly nothing with such explicit violence.

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 inappropriate for children to see
- is for an R rated movie
- depicts violence against women



The Panel viewed the advertisement and the noted the advertiser had not provided a 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 advertiser had not provided a response and the overall programme placement was not known. The Panel considered that complainants had viewed this advertisement in shows such as Bondi Rescue and Dancing With the Stars and these were programs which were likely to have broad appeal.

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 all 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 all 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 a complainant's concern about a scene depicting the woman in a kitchen and noted that this scene is shown in the third version of the advertisement only. The Panel noted this scene shows the woman standing in the kitchen and picking up a knife, then being pushed, sliding along a table and sliding along the floor. The Panel considered that this scene was more graphic than the scenes discussed above, however considered that there is no blood or gore depicted, and there is no depiction of the perpetrator of the violence. The Panel acknowledged that the depiction of the woman being pushed and pulled is confronting but that the absence of a person makes it clear to the consumer that the scene is not real and is part of a horror movie scenario. The Panel considered that this scene was not excessively violent.



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

The Panel noted the complainants' concerns that the advertisement suggested violence against women and suggested that women make up stories about being abused or threatened by men. The Panel considered that violence against women is a significant issue of concern in the Australian community and that advertisements should not condone or normalise this violence. The Panel considered however that this advertisement is an advertisement for a thriller movie which has a story of a woman being followed by an invisible man. The Panel acknowledged that this advertisement and the theme of the movie would be confronting to some members of the community, but considered that the Code of Ethics does permit violence to be used in advertising where it is relevant to the product being promoted. The Panel noted the complainants' concerns but considered that the content of this advertisement was in line with the theme of the movie and presented the material in a manner that in the Panel's view did not amount to condoning violence against women.

Overall, the Panel 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.