



Case Report

1	Case Number	0092/12
2	Advertiser	Paramount Pictures Australia
3	Product	Entertainment
4	Type of Advertisement / media	TV
5	Date of Determination	14/03/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.3 - Violence Causes alarm and distress
- 2.3 - Violence Graphic Depictions

DESCRIPTION OF THE ADVERTISEMENT

Advertisement for the film, The Devil Inside, featuring footage of the film including a 911 call and a woman declaring she has killed three people. The end depicts a scene of a possessed woman contorting her body.

THE COMPLAINT

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

I am utterly shocked and disgusted that these types of ads have made their way into our television sets in our home. Normally if a program is not suitable to my moral standards I would stop watching or switch channels over. I have no problem with doing that but this particular "preview" to the movie is SO graphically demonic I HAD to make a complaint about this. My son who was up at the time as he couldn't sleep was sitting on my lap freaking out as it scared him so much. Even my husband and I were quite unsettled by the first 10 seconds of what we saw! I was so petrified to see a woman who was clearly possessed by demons have her limbs disjointed and in abnormal positions due to this demon. My choice to have TV in my home didn't consist of being subjected to these demonic movies that frankly are not enjoyed by everybody. I don't expect to see previews to "pornographic" movies as they're not appropriate for everyone and the same can be said for these "demonic" movies. I am very ashamed that the standards for ads have sunk so low.

*This type of movie trailer is not suitable for a 6:30-7pm time slot. It is rated MA 15+ so should not be advertised at a time when most young children (i.e. my 3yr old!) are still up and awake! This trailer absolutely horrifies and offends me I can only imagine what it does to a young child's mind! Should only be advertised past 8:30/9pm!
The graphics of a person being possessed by the devil was horrific and there was no warning.*

THE ADVERTISER'S RESPONSE

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

Part of our business is releasing and marketing horror films can include graphic and/or scary content, and hence these films and content are classified by the appropriate bodies accordingly.

The end of the commercial depicts a scene of a possessed woman contorting her body and we believe this is why it has been given an 'A' advice by CAD.

This CAD advice refers to MA style material / MA style commercial, meaning we can only place ads between 9pm – 5am, and excludes PG or G programming that starts at 8:30pm, or starts prior and continues past 8:30pm, or in a break preceding a program which starts at 8:30pm.

When the above ad ran it carried the "Check the Classification" logo as per the regulations. The film has since been classified as an MA (please find classification certificate attached) of which advice was received on Fri 24th Feb.

The appropriate measures were put in place to re-tag and re-classify commercials and new spots carrying the 'MA' classification logo were on air as of Thurs 1st March.

Our buy and placement of the commercial the complaint is referring to has adhered to all rules & regulations in line with the corresponding classification.

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Board noted the complainants' concerns that the advertisement is graphic and not appropriate for a television commercial.

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

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 of the Code 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 Board noted that the advertisement is a trailer for the movie, “The Devil Inside”, and has been rated ‘A’ by CAD which means it can only be placed after 9pm. The Board noted one complainant’s concern that the advertisement is not suitable for the 6.30 and 7pm timeslot however the Board noted that the booking report for the advertisement showed it had only been placed in the appropriate ‘A’ rated timeslots. The Board noted that the rating was indicative of a later time slot that the advertisement should be aired in, and that it is unlikely that young children would be watching programs at this time.

A minority of the Board considered that the advertisement is too graphic for a television audience however the majority of the Board considered that the advertisement presents violence in a manner that is justifiable in the context of the product being advertised and is in keeping with trailer advertisements for similar movies.

The Board determined that the advertisement did not breach Section 2.3 of the Code.

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