



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0103/18
2	Advertiser	Stan
3	Product	Entertainment
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	07/03/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Violence Causes alarm and distress to Children
2.3 - Violence Violence

DESCRIPTION OF THE ADVERTISEMENT

30 second TVC which ran on Channel Nine at 8.50pm on 14 February 2017. The TVC advertises a new program available on Stan, "UnReal."

THE COMPLAINT

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

Thanks in the last part of the Stan ad when some thug just punches another in the head this may be ok in the context of the story but it just highlights the brutality of the single punch or king hit that has killed so many young men just snip this bit of pointless brutality out

While I don't want to shelter my children from the reality of this world, these ads are visibly vivid and for a young child these images stay in their minds. Especially the real life events, Romper Stomper, stick in and play on their minds again and again throughout the day and night.

These events and shows in themselves are fine; people can choose to watch what they





want. I just feel that television stations should take responsibility and be more wise and sensitive with the ads they show particularly throughout the day and during the programs kids are likely to be watching.

THE ADVERTISER'S RESPONSE

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

We refer to your letter dated 21 February 2018 regarding the abovementioned complaint in respect of one of Stan's advertisements ("Advertisement").

1. Facts relating to the Advertisement • The Advertisement ran for 30 seconds on 14 February 2018 at 8.50pm on Channel Nine.

- The Advertisement featured footage from season 3 of the program UnReal. • The Advertisement is designed to inform viewers of, and to showcase, UnReal. • A copy of the relevant script is attached.*

- The Advertisement's CAD reference number is 2141251 and the CAD rating for the Advertisement is*

"J". 2. AANA Advertiser Code of Ethics (Code) We have reviewed the relevant sections of the Code and also the information and guidance provided on adstandards.com.au in relation to responding to complaints.

In our view, the Advertisement complies in all relevant respects with the AANA Code of Ethics ("Code"), and is in step with Prevailing Community Standards.

We address each element of section 2 of the Code below:

- Discrimination or vilification (s2.1)*

The Advertisement does not discriminate against or vilify a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.

- Sexual appeal (s2.2)*

The Advertisement does not use sexual appeal in a manner which is exploitative and degrading of any individual or group of people.

- Violence (s2.3)*



The Advertisement contains no violence with the exception of one scene (of one second duration) portraying two men in a fight.

This portrayal is a relevant and accurate representation of the program being advertised, and is peripheral to the overriding tone of the Advertisement, which is not one of overt violence.

The Advertisement was rated J by CAD and the Advertisement was run in an appropriate timeslot.

Based on the foregoing and taking into account the AANA Code of Ethics- Practice Note, we are strongly of the view that the Advertisement's fleeting and non-graphic portrayal of violence is justifiable in the context of the program being advertised, and it's 8:50pm timeslot appropriate for the likely audience.

- *Sex, sexuality and nudity (s2.4)*

The Advertisement treats sex, sexuality and nudity with sensitivity to the relevant audience.

- *Obscene language (s2.5)*

The Advertisement does not include strong or obscene language.

- *Health and Safety (s2.6) The Advertisement does not contain any material which, in our view, is contrary to Prevailing Community*

Standards on health and safety (including as detailed in AANA Code of Ethics Practice Note), nor does the

Advertisement depict any dangerous behaviour which is likely to be imitated by children.

3. Stan comments in relation to the complaint For the reasons set out above, we strongly believe the Advertisement complies in all relevant respects with the Code.

In this instance, the advertisement adhered to the relevant classification restrictions and was placed in an appropriate timeslot. Further, the placement was reviewed / approved by OMD to ensure the advertisement is sensitive to the likely audience.

Please let us know if you require any further information.

THE DETERMINATION



The Ad Standards Community Panel (“Panel”) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the “Code”).

The Panel noted the complainants’ concerns that the advertisement depicts inappropriate violence.

The Panel viewed the advertisement and noted the 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 TV advertisement featured scenes from the TV series Unreal. In particular the Panel note the two brief scenes where two men were seen fighting.

The Panel considered the complainant’s concern that the advertisement depicts one man punching another in the head and this is inappropriate considering that a single punch can kill.

The Panel considered that the advertisement consisted of a montage of short scenes and that the two scenes which depict fighting are fleeting.

The Panel considered in the first scene one man appears to slap the other man across the face before they tussle in front of a room of onlookers and in the second a man wearing a cowboy hat punches another man who falls backwards.

The Panel considered that both of these scenes were fleeting and were not the main focus of the advertisement. The Panel considered that in the context of a fleeting scene where there was no undue gore or distress the level of violence in these advertisements could be considered mild.

The Panel considered that the product being promoted in the advertisement was a TV show and that it was reasonable for scenes from that show to be promoted in the advertisement.

In the Panel’s view the violence 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.

