



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0136-20
2. Advertiser :	Universal Music Australia Pty Limited
3. Product :	Entertainment
4. Type of Advertisement/Media :	Poster
5. Date of Determination	22-Apr-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.3 Violence

DESCRIPTION OF ADVERTISEMENT

This poster advertisement features an image of a man with blood running over his cheek, nose and mouth. The advertisement also features the text, "AFTER HOURS, The Weeknd, Album out now".

THE COMPLAINT

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

Complaint regarding Outdoor Advertising (4 identical posters) for Canadian singer Abel Makkonen Tesfaye's (aka The Weeknd) latest music album 'After Hours'.

I wish to lodge a complaint regarding the above advertising.

The advertising site is located on the outside wall on the east side of a milk bar on the corner of O'Hea and Fischer Streets, Coburg.

This is a residential area with high vehicle and pedestrian traffic. The advertising site is located within metres of three schools (a pre-school, a primary school and a developmental school), a community park and skate park, and the popular O'Hea's bakery/café.

Outdoor advertising location:

- residential area: families and visitors to schools, park, skate park, bakery/cafe



- advertising site is a wall on the east side of a single milk bar/mixed business on corner of O’Hea and Fischer Streets, Coburg.
- the site is within metres of on access routes to:
 - Northwest Montessori Preschool
 - North Coburg Primary School
 - Coburg Special Development School
 - Harmony Park including Skate Park
 - O’Hea’s Bakery/Café on O’Hea Street (between Autumn and Sussex streets, west of milk bar location)

1. Violence

The AANA Code of Ethics, Section 2.3 states:

“Advertising or Marketing Communication shall not present or portray violence unless it is justifiable in the context of the product or service advertised.”

The AANA Code of Ethics Practice Notes November 2018 (page 6 of 10), under the heading Violence (Section 2.3), 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.”

“Realistic depictions of the consequences of violence are not acceptable.”

The image on the four identical posters shows a man (the musician) grinning with blood running down his face, nose, mouth and chin. The image is violent and graphic: it depicts a person who has experienced some form of physical violence resulting in a bloody injury. The advertising is for a music album - not a horror film. The violent imagery is therefore not justifiable.

2. Audience

The AANA Code of Ethics Practice Notes November 2018 (page 4 of 10) states:

“For the purposes of advertisements in public places, the Community Panel will not only take account of the relevant audience, but it can also take a broad view of the “audience”. This recognises the broad nature of the audience for advertisements in public places, which may include Minors. The Community Panel will not just have regard to whom the advertisement is targeted (the relevant audience) but the Community Panel also looks at who can see it ...”.

The imagery is inappropriate for the location and audience, which includes the broader public and especially, minors, who are a significant audience for this advertising due to its location to three schools, the milk bar itself, the community park and skate park.

The image is repugnant to any viewers and could cause anguish in some young children. Families, including pedestrians, those with children in pushers, and on bicycles, pass this area daily, giving ample opportunity to see this image in detail and for longer than a brief glance when driving past in a vehicle.

It is disturbing to drive past this advertising, and presents drivers with an unsightly distraction while travelling west along O’Hea Street, a narrow road that has high volume pedestrian and vehicle traffic particularly during school drop-off and pick up times. This could increase the safety risk on this busy residential street.

While the current pandemic situation may reduce the impact of this inappropriate advertising, in no way is this a defence for it. This advertising is unacceptable both in its violent imagery and unsuitable location. It is visible to a broad public audience, one



that significantly includes (under usual circumstances) families with very young (toddler) and primary school age children.

My hope is that the AANA and the Ad Standards Community Panel will find my complaint is valid and take any necessary actions that will hopefully and ultimately see the removal of the advertising from its location.

I look forward to your soonest reply, and hope that it may be as swift as the current pandemic times we live in will allow.

THE ADVERTISER'S RESPONSE

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

We do not believe that the advertisement breaches the Code. Specifically, it does not breach section 2.3. It does not show unjustified violence. It does not depict material that is contrary to prevailing community standards and it does not include a strong suggestion of menace. It is a direct copy of the album artwork and it is clearly distinguishable as an advertisement (shown by the words "Album Out Now") The advertisement was made available as part of an outdoor poster marketing campaign. It was booked as a 2 week campaign commencing 20 March 2020. The active campaign has now ceased (subject to any remaining posters still being available.)

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 complainant's concern that the advertisement is violent and graphic and is inappropriate for a broad audience.

The Panel viewed the advertisement and the 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 that the Practice Note for the Code provides: "*Realistic depictions of the consequences of violence are not acceptable. More leeway is permitted where the depiction is stylised rather than realistic.*"

The Panel noted the advertised product was The Weeknd's album, 'After Hours' and that the image used in the poster was the album cover. The Panel noted that The Weeknd is known for his music having dark themes and his genre is alternative R&B. The Panel noted that it was reasonable for an artist to promote an album using the



album's artwork, however considered that the level of violence in this image could be considered confronting to some audiences.

The Panel considered that the advertisement depicts the aftermath of violence rather than a violent act. The Panel considered that although the depiction was realistic in the sense that a real man is pictured, the framing and lighting of the image was highly stylised and the overall impression is artistic. The Panel considered that there is no context explaining why the man in the image is bleeding, and noted that the man is smiling and does not appear to be in pain.

The Panel considered that in the context of a promotion for an album, using the album cover with stylised artwork, the depiction of the aftermath of violence 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.