



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0138-21
2. Advertiser :	Universal Pictures
3. Product :	Entertainment
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	16-Jun-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.3 Violence

DESCRIPTION OF ADVERTISEMENT

There are two versions of this television advertisement is promoting the movie 'The Conjuring - The Devil Made Me Do It'.

The 30 second version features the following scenes:

- A woman's voice says, "I was there".
- A young man walks down a road when he is approached by a police car. The policeman gets out of the car and says, "hey". The man says, "I think I hurt someone".
- A young woman says, "whatever happened, that was not Arne". She is watched by an older woman and a man, and the young man looks up, crying.
- A voice over states, "This year" and an arial view of a home surrounded by emergency vehicles can be seen.
- Two people watch a news announcement on television screens in a store window. A reporter says, "Residents were shocked by the broad daylight murder."
- The young man is helped out the back of a police vehicle.
- A lawyer says that "I am not going before a grand jury and saying that he possessed by demons".
- A woman walks through a dark cave a looks at an upside-down crucifix on the wall.



- The young man is standing outside and looks fearfully behind him towards darkened windows in a house.
- A voice over says, "based on a true story", "witness the most sinister case" and "In the conjuring universe" as the same text appears on screen.
- A woman says, "We think your family was cursed".
- A hand is seen moving across a tree trunk at night.

The 15 second version features the following scenes:

- A man in a hat stands outside a house at night. The text "In 1981" is superimposed over the image.
- A photo of a family is shown and the words "Arne Johnson Pled Not Guilty" are superimposed over the top.
- A black and white image of a young man in a suit being questioned by media.
- A woman looking at something on the ground of a dark wooded area.
- A crying young woman is shown and the words, "By Reason of Demonic Possession" are superimposed over the top.
- Characters faces are shown one at a time.
- A hand is seen moving across a tree trunk at night.
- A voice over says, "In 1981 Arne Johnson pled not guilty to murder by reason of demonic possession. This year, find out why".

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

Terrifying images of demon possession for such an early time slot

It's a bloody horror movie....rated M15+ or R? If kids aren't able to watch it in a movie theater because they are too young...what makes it ok to be advertising it on television? Maybe don't advertise for this crap until after 8:30/9pm when children should be in bed?

This trailer was extremely distressing with scenes in this trailer (horror, and violence) that were graphic and really scary for children under the classification/restricted viewing ages, who may also be viewing the programming on air during that slot.

It is way too horrific/violent/frightening for an ad

Due to his horrific nature while my 9 and 5 year old kids were in the room. This movie is so not appropriate to be advertised at 6:36pm on a Tuesday night.

THE ADVERTISER'S RESPONSE

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



The below response is in relation to the complaints received regarding WARNER BROS advertising for The Conjuring: The Devil made me do it, specifically in regards to the TVC advertisements depicting violence which causes alarm and distress to Children.

Universal Pictures International Australasia on behalf of Warner Bros adhere to the AANA Advertiser Code of Ethics.

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 Conjuring: The Devil Made Me Do It, is a horror & thriller film which contains numerous scenes which could be scary in nature and suspenseful. It would therefore be reasonable to justify that our advertising materials have been produced within the context of the product being advertised.

Universal Pictures on behalf of Warner Bros strive to advertise films of this content in a manner that remains appropriate for all consumers.

All advertising content from Universal Pictures on behalf of Warner Bros is broadcast on FTA TV once rated by the Commercials Advice Board which is industry compliant with the advertising standards code of conduct.

To ensure due diligence, prior to activity going live Shooting Star (on behalf of Universal Pictures on behalf of Warner Bros) liaises with CAD to obtain approval on The Conjuring: The Devil made me do it TVC spots.

Universal Pictures on behalf of Warner Bros produced a number of TV spots for The Conjuring: The Devil made me do it TV campaign and each spot was classified by CAD - the TV spot in question received a H rating (attached are the key number/material instructions which were provided to the TV networks)

In this instance, we obtained CAD clearance to display the advertisement according to the guidelines provided for a H rating.

The following approval was obtained by Universal Pictures on behalf of Warner Bros from CAD:

Parental Guidance/Warning "H" Definition: Parental Guidance Recommended/Care in placement 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 principally directed to children.

The above CAD guidelines were adhered to and the spot was cleared for broadcast at any time of day except in P or C rated programming. However, please note that our TV campaign finishes this Saturday, June 12.



Universal Pictures on behalf of Warner Bros and MediaCom exercised care with the planning and selection of the TV schedule and focused on programming that reaches our intended 16+ audience group.

Please also note that all advertising materials for this film have displayed the CTC (Check the Classification) logo for the required duration.

We apologise for any distress caused and would like to reassure all parties involved that we have adhered to all required standards and the industry code of conduct in relation to the advertising materials and placements for this film.

THE DETERMINATION

The Ad Standards Community Panel (Panel) considered whether the 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:

- is a horror film with themes that are inappropriate for children to see
- is played in an inappropriate time slot.

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

Section 2.3 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 Practice Note for this section of the Code which states "*Graphic depictions of violence or a strong suggestion of menace have been found to present violence in an unacceptable manner especially when visible to a broad audience which includes children. For example, advertising for violent or horror movies, tv shows or video games should take care not to include images that give the impression that a character has just committed violence against someone (for example, a weapon with dripping blood), was the victim of violence (for example, freshly severed limbs) or is about to commit violence against someone (for example, gun aimed directly at a person or the viewer) where there is a broad audience which includes children*".

The Panel noted that all versions of 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).

The Panel noted that the film 'The Conjuring' 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.



Does the advertisement contain violence?

The Panel noted that the voiceover of the advertisement refers to murder and demonic possession and that the music in the advertisement is eerie. The Panel noted that the imagery of the advertisement does not contain any depictions of weapons, nor any depictions of blood or violent acts. The Panel considered the theme of the advertisement is menacing and considered that the advertisement overall may be considered to imply violence.

Is the violence portrayed justifiable in the context of the product or service advertised?

The Panel considered that the advertisement is highly stylised and does not show any blood or graphic imagery and the Panel noted that the advertisement does not show any weapon being used towards a person or object.

The Panel noted that the advertised product is a horror film that contains violent action sequences and graphic imagery, and noted that the scenes shown are scenes from the film. The Panel noted that the music in the advertisement is spooky and does suggest a degree of menace, however the Panel considered that this suggestion is not strong.

Overall, the Panel's considered that the tone of this advertisement was suspenseful and frightening, and contained a suggestion of violence. The Panel considered that the level of menace was not excessive in the context of an advertisement for a horror movie.

Section 2.3 conclusion

In the Panel's view the advertisement did portray violence that was justifiable in the context of the product being advertised and did not breach Section 2.3 of the Code.

Conclusion

Finding that the advertisement did not breach the Code on other grounds, the Panel dismissed the complaints.