



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0152-21</b>
<b>2. Advertiser :</b>	<b>Stan Entertainment Pty Ltd</b>
<b>3. Product :</b>	<b>Entertainment</b>
<b>4. Type of Advertisement/Media :</b>	<b>TV - On Demand</b>
<b>5. Date of Determination</b>	<b>16-Jun-2021</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.3 Violence

### DESCRIPTION OF ADVERTISEMENT

This TV on demand advertisement features a promotion for the television show, "Eden". The advertisement includes the following scenes:

- Two women embrace. One says, "Hello Beastie" and the other says, "I've missed you", the first woman responds, "Me too".
- A man is smoking on a balcony. His voice can be heard saying, "There's some bad people here".
- The two women embrace, one says "I love you", and the other responds, "You don't even know me".
- One of the women stumbles away from the other in a forest. The other woman calls out, "Wait! Hedwig!"
- The text, "One missing girl" appears on screen
- People can be seen searching a forest at night calling for Hedwig, a hand can be seen protruding from the dirt.
- Two men can be seen restraining and strangling a woman, while another man watches from behind a tree
- A policeman holds up a gun and sticks out his tongue
- A woman beats against a glass wall
- A woman struggles under water
- A bloody hand in water
- A woman's face is shown with her voice heard saying, "You don't even know me".



- A still image of a woman lying on a beach with details about the show

### **THE COMPLAINT**

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

*It is graphic and scary and is being aired midday on a Sunday on a KID friendly program LEGO masters that we were watching with our 2 and 5 year old. It shows a hands sticking out of the ground, scary dramatic music with flashes of scenes not suitable for kids and a tattered dressed scared girl at night banging and screaming at a glass door, a drowned person, a person being strangled, blood and more. My husband and I were beyond shocked trying to find the remote to stop it, my 5 year old immediately said I don't like it its so scary, why is she bleeding...*

### **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 27 May 2020<sup>1</sup> regarding the abovementioned complaint ("Complaint") with respect of the relevant Stan advertisement ("Advertisement").*

*Facts relating to the Advertisement*

- *The Advertisement featured footage from the Stan Original series Eden.*
- *The Advertisement was designed to inform viewers of, and to showcase, Eden.*
- *The Advertisement appeared on the broadcaster video on demand (BVOD) service, 9Now. TV commercials that appear on BVOD services are not required to be CAD rated.*
- *The Advertisement was the only advertisement for Eden that appeared on the 9Now service. It ceased appearing on the 9Now service on 31 May 2021.*
- *We are providing a copy of the Advertisement that was the subject of the individual complaint and can confirm that this Advertisement was booked on the 9Now service so that it would only appear during programs streamed by viewers with a target age range of 18 to 44. For the individual to have seen the Advertisement, they must have registered a 9Now account (including by providing their personal details such as name, age, email address etc.), confirmed that they were over the age of 18+, and watched the relevant program logged in via the registered account.*

#### **1. 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](http://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 portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.*

*Discrimination and vilification issues were not issues raised in the Complaint.*

- *Sexual appeal (s2.2)*

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

*Exploitative and degrading use of sexual appeal was not an issue raised in the Complaint.*

- *Violence (s2.3)*

*The Advertisement does not present or portray violence in a manner which is not justifiable in the context of the programs and service advertised.*

*The Advertisement shows no explicit scenes in relation to the following: gore; those which are inherently violent content or of highly violent and graphic nature; weapons or other material being used in a threatening or violent manner; scenes creating a purposeful feeling of fear or menace; bullying or physical assault/violence, and suicide or other torture.*

*The Advertisement does not contain depictions of graphic violence, nor is the Advertisement likely to encourage similar behaviour in real life. The overriding tone of the Advertisement is not one of graphic violence or the consequences of violence.*

*The Advertisement that is the subject of the Complaint was booked for placement during programs streamed by viewers aged 18 to 44.*

*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-gratuitous portrayal of violence is justifiable in the context of the program being advertised, is consistent with prevailing community standards and appropriate for the likely targeted audience.*

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



*The Advertisement did not contain any specific scenes addressing sex, sexuality and/or nudity relevant to s2.4 of the Code, and sex, sexuality and nudity issues were not raised in the Complaint.*

- *Obscene language (s2.5)*

*The Advertisement does not include strong or obscene language or language which is not appropriate in the circumstances.*

*Obscene language was not an issue raised in the Complaint.*

- *Health and Safety (s2.6)*

*The Advertisement does not contain any material which 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. Further, the Advertisement is clearly of broad appeal and not targeted primary at children.*

*Health and safety issues were not raised in the Complaint.*

## *2. 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. Further, Stan considers that the content of the Advertisement is not directed to children, that the placement of the Advertisement is not directed to children, and that Stan is not targeting children to view the television program Eden.*

*Please let us know if you require any further information.*

## **THE DETERMINATION**

The Ad Standards Community Panel (Panel) considered whether the versions collectively forming this advertisement breach Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concerns that the advertisement has graphic scenes that are inappropriate for children to view.

The Panel viewed the advertisement and the noted the 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 this advertisement was broadcast on TV On Demand which does not require classification and can be broadcast at any time.

Does the advertisement contain violence?

The Panel noted that the advertisement does include scenes such as a hand protruding from the dirt, two men restraining and strangling a woman, a policeman holding a gun, a woman beating against a glass wall, a woman struggling under water and a bloody hand in water. The Panel noted that all these scenes are very brief, less than a second.

The Panel considered the theme of the advertisement is menacing and considered that the advertisement overall may be considered to contain violence.

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

The Panel noted that the advertisement was promoting a thriller television programme titled ‘Eden’ which is rated MA15+.

The Panel considered that the advertisement is highly stylised and does not show any explicit 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 thriller programme that contains action sequences and graphic imagery, and noted that the scenes shown are scenes from the programme. 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 thriller television programme rated MA15+.

**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 complaint.