



**Ad Standards** Community Panel  
PO Box 5110, Braddon ACT 2612  
P (02) 6173 1500 | F (02) 6262 9833

**AdStandards.com.au**

Ad Standards Limited  
ACN 084 452 666

## Case Report

<b>1. Case Number :</b>	<b>0154-22</b>
<b>2. Advertiser :</b>	<b>Universal Pictures</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>27-Jul-2022</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.3 Violence

### DESCRIPTION OF ADVERTISEMENT

There are three versions of this TV-on-demand advertisement promoting the film, 'The Black Phone'.

Version 1 is a 30 second advertisement which includes:

- A voice over saying, "In a small town, a community lives in fear. From Blumhouse who brought you the Invisible man. One girl must discover the truth. The Black Phone.
- A school assembly with a teacher saying, "one of our students was abducted"
- A number of missing posters displaying pictures of children
- A boy approaching a black van when a man in a top hat and glasses appears and asks, "Would you like to see a magic trick?"
- Black and white footage of a figure appearing and disappearing in front of a house
- A young girl saying, "My brother was taken, I had a dream about it".
- Police and emergency vehicles with their lights on outside a home
- A man asking the girl, "What else can you tell us about your dream?"
- A black phone ringing and a boy picking it up, a voice on the other end says, "We don't have much time."
- The girl says, "The tree, the door, I've seen every detail. Please hurry".
- A voice says, "you don't have to be scared".

Version 2 is a 15 second advertisement which includes:

- A girl saying, "My brother was taken. I had a dream about it".
- A young girl holding a cross and praying
- A number of missing posters displaying pictures of children



- A man releasing balloons and slamming the door shut on a van
- A boy in a room with a bare mattress on the floor.
- Police and emergency vehicles with their lights on outside a home
- A man asking the girl, "What else can you tell us about your dream?"
- A man in a top hat and glasses asking a boy, "Would you like to see a magic trick?"
- The girl saying, "That sometimes my dreams are right".
- A boy finding numbers scratched into a wall, holding the receiver of a phone to his ear and turning suddenly.

Version 3 is a 15 second advertisement which features:

- A girl saying, "My brother was taken, I had a dream about it"
- A number of missing posters displaying pictures of children
- A man in a top hat and glasses asking a boy, "Would you like to see a magic trick?"
- Black and white footage of a figure appearing and disappearing in front of a house
- A voice says, "you don't have to be scared".
- Police and emergency vehicles with their lights on outside a home
- A frightened boy holding the receiver of a phone
- Police men running after a girl who says, "Please hurry".

#### **THE COMPLAINT**

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

*The Black Phone is a horror movie rated MA15+. When viewing Channel 9 coverage from their app, you are forced to watch 5 ads before being allowed access to the game coverage. You also periodically are forced to view apps mid-coverage. Totally fair. What I have objection to is footage from a MA15+ movie being shown 6 times during 20minute period (19:10-19:30 when we turned the coverage off) when my young children (2yr, 5yr and 7yr olds) are present to watch the rugby game. Coverage of the game is rated G. There is no warning before the ad like cinemas. You can't close the ad. You can't close the app/coverage because when you restart the app, you are forced to watch it again. MA15+ isn't meant to be shown before 20:30.*

*This is an advert for a horror movie!*

*It is constantly displayed AT ALL TIMES OF DAY.*

*While children are present watching and while watching a PG rated show.*

*This advert is HIGHLY inappropriate.*

*I expect better from an Australian broadcasting company.*

#### **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 the UNIVERSAL PICTURES advertising for The Black Phone, specifically in regards to the TVC advertisements depicting violence which causes alarm and distress to Children.*



*Universal Pictures International Australasia 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 Black Phone is a thriller & supernatural mystery horror 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 strive to advertise films of this content in a manner that remains appropriate for all consumers.*

*All advertising content from Universal Pictures 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 IMD (on behalf of Universal Pictures) liaises with CAD to obtain approval on The Black Phone TVC spots.*

*Universal Pictures produced a number of TV spots for The Black Phone 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)*

*It is worth noting that we have spent considerable time, resource and investment in refining the 'SOFT' TV spots for THE BLACK PHONE to ensure that these do meet the required criteria for the H CAD rating requirements.*

*The following approval was obtained by Universal Pictures from CAD on H rating:*

*Definition: PG style commercials for M or MA classified cinema films with horror elements OR MA classified cinema films with strong violence.*

*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.*

*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.*

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

*Universal Pictures and MediaCom exercised care with the planning and selection of the TV schedule and focused on programming that reaches our intended 16+ audience*



*group. We strive to evaluate each media placement to ensure that the materials are being seen by the intended target audience.*

*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 breach Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants' concern that the advertisement depicts violence and menace and is inappropriate for broadcast when children can view it.

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*".

#### **Does the advertisement contain violence?**

The Panel noted that the advertisement does not contain any actual footage of violence, as there is no-one being harmed, no blood or weapons. However, the Panel noted that the advertisement does contain themes of child abduction and this in combination with suspenseful music, the quickly changing scenes and the sense of fear and urgency of the children in the advertisement did contain an overall feeling of threat and menace.

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

The Panel noted that the advertisement was promoting a movie titled 'The Black Phone' which is rated MA15+.

The Panel noted that the advertisement had been given a 'H' rating by ClearAds which meant that it could be played at any time except in P and C programs. The Panel noted that the advertisement had been played at times consistent with this rating.



The Panel noted that the overall theme of the advertisement is that a child has been abducted and that the child's sister has had dreams which may help find him.

The Panel noted that the advertised product is a horror movie that contains violent scenes and graphic imagery, and noted that the scenes shown in the advertisement did not include violence or graphic images. The Panel noted that the advertisement reflected the theme of child abduction which is what the movie is about. The Panel noted that the advertisement featured images of police working with a girl to find her brother, and considered that the advertisement did not suggest that the brother had been hurt or would not be rescued.

The Panel noted that the music in the advertisement and the fear and urgency of the children is suspenseful and does suggest a degree of menace, however the Panel considered that this suggestion is directly related to the horror nature of the movie being promoted.

Overall, the Panel's considered that the tone of this advertisement was suspenseful but it was not graphic. The Panel considered that the low level of violence was not excessive in the context of an advertisement for a horror movie shown to a broad audience including children.

### **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.