



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0172/18
2	Advertiser	Twentieth Century Fox Film Distributors Pty Ltd
3	Product	Entertainment
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	11/04/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Violence Causes alarm and distress to Children

2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

There are three versions of this television commercial advertising a new film coming to cinemas - RED SPARROW.

The versions show various scenes from the film, and are fast paced and change quickly.

THE COMPLAINT

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

An advert for a MA15+ movies with sexual themes shown during a children's/family movie "School of Rock" while children watching

The time of broadcast. 8:22 pm. It was on channer 76 during the movie Daddy Daycare. A children's film that my children were watching.

Thr Red Sparrow is an M rated film. This is totally inappropriate to show during a kids film.



*The ad shows scenes that hint at sex and violence as they are quick cuts of scenes. They are menacing and sexual in nature.
My complaint is about the time of broadcast.
Surely the rating of a film being advertised should match the target audience. Not frighten children.*

THE ADVERTISER'S RESPONSE

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

In response to the complaints made regarding 2x TV commercials I can provide the following information:

The likelihood is the TVCs were one of the following:

*K/N FXRS60PUZ-RED SPARROW-Puzzle 60-CAD P50BNEPE
K/N FXRS30NEVS-RED SPARROW-Never 30- CAD P50C1EPE
K/N FXRS30TWC-RED SPARROW-Trust 30-CAD P50DIEPE*

All TVCs were submitted to CAD and received P classifications from CAD.

PG – Parental Guidance “P” Definition:

Parental Guidance Recommended May be broadcast at any time of day, except during P and C programs or adjacent to P or C periods.

Product Description: Commercials which comply with the PG classification criteria in Appendix 1 of the Code of Practice and which contain careful presentations of adult themes or concepts which are mild in impact and remain suitable for children to watch with supervision.

As stated by the media buyer, the likely reason these advertisements appeared in family movies was due to TV networks placing bonus spots. TV Networks would have chosen to place these spots due to the soft classification provided by CAD as they do not view the material themselves.

We do apologize for this unfortunate event and will continue to work with our media buyer and TV networks to ensure future film content of this nature is not present during family/ children movies.

THE DETERMINATION

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

The Panel noted the complainants’ concerns that the advertisement features sex and



violence which is inappropriate for the timeslot of a family movie that it aired.

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

The Panel noted that there were three versions of this television advertisement which featured similar scenes from the movie Red Sparrow. The Panel noted that all versions of the advertisement received a P rating by CAD (parental guidance recommended and not in children's programs) and was aired at a time appropriate to the rating (http://www.freetv.com.au/media/CAD/Placement_Codes.pdf).

The Panel considered whether the advertisement's three versions were 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 complainants' concerns that the advertisement contained scenes of violence. The Panel noted that the complainants' saw the advertisement in evening viewing times.

The Panel noted the advertiser's response that the advertisement placements were likely bonus spots that were placed into family movies based on the P classification.

The Panel considered that in each version of the advertisement there is a number of fleeting excerpts from the movie, where action scenes, intimate scenes and violent scenes are presented. The Panel considered that the scenes change rapidly, and each of the scenes are on screen for less than a second.

The Panel considered the level of threat in these scenes to be mild. The three scenes shown across the three versions of the advertisement are a man being hit, a man walking with a gun, and a gun firing. The Panel considered we do not see anybody hurt, and determined that other scenes showing just a gun on the bed do not depict actual violence.

The Panel considered that the advertisement did not breach Section 2.3 of the code.

The Panel then considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience".

The Panel noted the complainants' concerns that the advertisement contained scenes of sexual themes.

The Panel noted that there was no actual nudity depicted in the advertisement. The Panel considered that in each version of the advertisement there is a maximum of two



sexual scenes, one showing a woman in underwear and one showing a kiss against a sink.

The Panel considered that the scenes are fleeting and do not portray inappropriate sexual content or unacceptable sexualised themes.

The Panel considered that overall while the advertisement incorporates scenes which contain sexual themes, the overall impression of the advertisement was of a drama or action movie and was not strongly sexualised and was not inappropriate to be viewed by a PG audience which may include children.

The Panel considered that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience.

The Panel determined that the advertisement did not breach Section 2.4 of the Code.

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

