



Case Report

1	Case Number	0188/17
2	Advertiser	Universal Pictures
3	Product	Entertainment
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	10/05/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.3 - Violence Causes alarm and distress
- 2.3 - Violence Causes alarm and distress to Children
- 2.3 - Violence Graphic Depictions
- 2.3 - Violence Weapons

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement is promoting the new movie, "Get Out" and features various scenes including people being chased, looking scared, and a scene where a man is in a chair unable to move.

THE COMPLAINT

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

To advertise scary movies during "The Voice", which is clearly marketed as a family-friendly program is not appropriate. My kids are 8 and 11. I have no issue with these movies being advertised after "The Voice" finishes.

It was a short of a disturbing horror film, with torture scenes, equipment, people looking extremely disturbed and in pain - disgusting thing to show at 8.40pm at night during a family program (Masterchef)!!

These should be NOT advertised during family friendly shows and at the very least should only be shown after the 9pm time slot.

The advertisement depicted a number of horror scenes, including torture, totally unfit for the PG rating of the show. An ad for an MA film is one thing, but this ad was not shy in showing the horror nature of the film - our kids love cooking shows and the PG rating is not appropriate if Seven is going to show such advertisements

The trailer is quite graphic - horror - and certainly not something that I - or my 12 and 14 year old daughters - need to see during a time when we are watching a family friendly television show.

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 GET OUT, 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."

Get Out is a suspense thriller film which contains numerous scenes which could be scary in nature and psychological suspense. 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 GET OUT TVC spots.

Universal Pictures produced a number of TV spots for the GET OUT TV campaign and each spot was classified by CAD - the TV spots in question received a J 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 J rating.

The following approval was obtained by Universal Pictures from CAD:

Parental Guidance/Warning "J" 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.

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.

Please also note that all advertising materials for this film have displayed the CTC (Check the Classification) logo for the required duration and have now been updated with the MA15+ classification and corresponding advice: MA15+ – Mature themes, Strong themes and violence

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 Advertising Standards Board (the “Board”) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the “Code”).

The Board noted the complainants’ concerns that the advertisement features graphic scenes with supernatural and horror themes which is not appropriate for children to view.

The Board viewed the advertisement and noted the advertiser’s response.

The Board 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 Board noted that this television advertisement promoting the new movie, Get Out, features scenes from the movie.

The Board noted it had recently dismissed similar complaints about an advertisement promoting the movie, Split, (0052/17) where:

“The Board noted that each version of the advertisement contain scenes from the Split movie and considered that while there is a suggestion of suspense and fear, and in one scene we see a woman pointing a gun at an unseen person/object, in the Board’s view the actual content is not graphic.

The Board acknowledged that some members of the community would prefer that this type of movie not be advertised, especially at times when children can view them, but considered that in the context of a horror movie the actual content of the advertisement is relatively mild.”

The Board noted the current advertisement features scenes including people being chased, people looking scared, and a scene where a man is in a chair saying he is unable to move his body. The Board noted that while these scenes do contribute to an overall sense of menace, in the Board’s view the horror element is implied rather than shown and it is the voiceover and the suspenseful music which lends to the overall scary feel to the advertisement rather than the actual visuals.

The Board noted that the advertisement had been rated 'J' by CAD which means it can aired at any time except during, or adjacent to, Preschool and Children's programs, and that care should be taken when placing in programs principally directed to children. The Board noted the advertiser's response that the advertisement had been aired in accordance with the Free TV Code of Practice (http://www.freetv.com.au/media/Code_of_Practice/Free_TV_Commercial_Television_Industry_Code_of_Practice_2015.pdf).

The Board noted that the rating of the advertisement means it would likely be viewed by children. The Board acknowledged that some children, and adults, may not like the advertisement but considered that the actual content of the advertisement, although suspenseful, was not inappropriate for a broad audience and in the Board's view the content is justifiable in the context of promoting a movie in the horror genre.

The Board determined that the advertisement did not breach Section 2.3 of the Code.

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