



Case Report

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| 1 | Case Number | 0197/17 |
| 2 | Advertiser | Stan |
| 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 to Children

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement is promoting the new series of Twin Peaks and features footage from the first series, including scenes where a body is discovered and we see plastic sheeting pulled away from a woman's face.

THE COMPLAINT

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

Face of a dead body shown at 5:45 in the afternoon. Children saw it and were disturbed.

THE ADVERTISER'S RESPONSE

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

COMPLAINT REFERENCE NUMBER: 0197/17

ADVERTISER: STAN ENTERTAINMENT PTY LTD (ABN 94 168 856 924) (STAN)

Thank you for your letter dated.

Advertisement

We note that the complaint relates to the Stan advertisement for the new series of Twin Peaks that

- ran for 30 seconds at 5:45pm on 14 April 2017 during Frasier (rated PG) on Channel 11;*
- features footage from Season 1 of Twin Peaks as described below; and*
- is part of Stan's marketing campaign for the new series of Twin Peaks that premieres on the Stan service from 22 May 2017.*

The CAD reference number is STTPUN30 and the CAD rating for the Advertisement is 'J' (Parental Guidance Recommended/Care in placement).

Twins Peaks

Twin Peaks is an American television serial drama created by Mark Frost and David Lynch. The series follows the investigation into the murder of the fictional character Laura Palmer played by Sheryl Lee. Seasons 1 and 2 were released in 1990 and 1991 respectively. The new series premieres in the US from 22 May 2017 and each episode will be streaming on Stan on the same day as the US premiere.

Seasons 1 and 2 were rated M. We are awaiting confirmation of the classification for the new series however we anticipate it will be rated MA.

The Advertisement features the scene from Season 1 of Twin Peaks where Laura Palmer's body is discovered.

Stan's Response

We have reviewed the relevant sections of the AANA Advertiser Code of Ethics (Code) and also the information and guidance provided on adstandards.com.au in relation to responding to complaints.

In our view, the Advertisement complies in all relevant respects with the Code, and is in step with Prevailing Community Standards.

We address each element of section 2 of the Code below:

s2.1 Discrimination or vilification

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.

The Twin Peak series is about the murder of Laura Palmer and so the portrayal of this character is directly relevant to the Advertisement.

s2.2 Sexual appeal

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

The footage of Laura Palmer is not sexually exploitative or degrading.

s2.3 Violence

The Advertisement does not present or portray violence.

The Advertisement features the discovery of Laura Palmer's body, but there is presentation or portrayal of violence in relation to this discovery.

In any event, the Twin Peak series is about the murder of Laura Palmer and so the portrayal of this character is directly relevant to the Advertisement.

The Advertisement was given a CAD classification of 'J' and so:

(a) parental guidance was recommended;

(b) was permitted to be broadcast at any time of day, except during P and C programs or adjacent to P or C periods.

Frasier is a PG related program.

s.2.4 Sex, sexuality and nudity

The Advertisement did not contain any sex, sexuality or nudity.

Laura Palmer's body was covered.

In any event the footage and placement was consistent with the CAD rating.

s2.5 Obscene language

The Advertisement does not include strong or obscene language or any other dialogue.

s2.6 Health and Safety

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.

For the reasons set out above, we believe the Advertisement complies in all relevant respects with the Code, particularly having regard to the CAD rating and the time and place the Advertisement was broadcast.

Please let me know if you require any further information.

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 complainant’s concerns that the advertisement depicts an image of dead body which is disturbing to children.

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 is promoting a television series available to watch on Stan and features a scene showing the face of a dead woman.

The Board noted the complainant’s concerns that children saw the advertisement and were disturbed.

The Board noted the scene where plastic sheeting is pulled back to reveal the face of a woman. The Board noted that the advertisement does not feature any spoken words, just backing music, and considered that while this lack of voiceover does increase the impact of the image there is no blood or sign of obvious trauma and the image is only on screen for four seconds.

The Board noted that the text, “The Return 22 May. Twin Peaks. Only on Stan” is displayed prominently at the bottom of the screen for most of the advertisement and considered that it was clear that the advertisement was promoting a television program and that even if younger children were not aware that it is actors and not real people on screen, the advertisement’s content can be easily explained by a parent or guardian.

The Board noted that the advertisement had been rated ‘J’ by CAD and was aired at an appropriate time based on this rating during the program Frasier. The Board noted that Frasier is not a children’s program and considered that in the context of an advertisement which can be aired in PG timeslots where children may see it the actual content is not so graphic as to be inappropriate for the broad audience.

The Board considered that the advertisement did portray violence in a manner which was justifiable in the context of the product advertised and 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 complaint.

