



Case Report

1	Case Number	0205/17
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	24/05/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.3 - Violence Causes alarm and distress
- 2.3 - Violence Causes alarm and distress to Children

DESCRIPTION OF THE ADVERTISEMENT

The videos in question feature key characters in the film as well as the villain, the alien.

THE COMPLAINT

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

The show being telecast was the afl Fremantle vs Carlton and as such was watching with my family including young children who became very scared. I think it would be known an afl match could be watched by all ages.

The advertisement is scary and inappropriate for children and is advertising a MA 15+ rated movie being displayed in the break of a PG rated show, this was also before 8pm when one should be able to assume the content would not be inappropriate for small children.

This has happened previously on several occasions when we are watching programs together as a family and I have to quickly cover my child's eyes or tell him to look away so that he doesn't end up being scared and having nightmares.

While the ad in question doesn't have obviously gory scenes or such, it is still intimidating and scary to a child, especially considering the movie itself has an MA15+ rating.

This ad was broadcast during the footy in the afternoon (between 3-6pm in the afternoon), I

was watching the footy with my 2 and 5 year old sons who refused to watch any more after the second time it was advertised. Furthermore, both boys suffered from nightmares last night. The question is, is this really an appropriate time for such advertising? And if not, what consequences are there for such a breach.

Complaining as I have seen repeated trailers for a science fiction horror movie rated as MA15+ during the Sunday afternoon FTA broadcast of an AFL match. Watching with my 8 and 6 year old children and do not believe this is appropriate content to be show at this time of day during a sporting broadcast when families with young children are watching.

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.

I was sitting at home watching the football, Adelaide v Richmond, with my 2 young children, aged 10yrs and 18mths. at 3qtr time an advertisement for alien prmethious came on showing the full alien, etc. basically terrifying images for such young children. I think it is highly inappropriate for this kind of advertisement to be played at this early time when families are watching tv etc etc. this movie is an adults only type of movie and the images are not suitable for children. basically nightmare type stuff for young kids. channel 7 should reconsider the time it plays these ads.

Why??? A film that has a classification outside the free to air programming is wrong. A HUGE ALIEN WITH TEETH at a time slot for kids to watch football AFL an absolute disgrace.

As a family we watch The Voice, which is a nice reality show to watch altogether as a family, however we were confronted on numerous occasions with MA 15+ and R rated movie trailers. I was appalled and had to ask my children to look away. These should be NOT advertised during family friendly shows and at the very least should only be shown after the 9pm time slot.

AFL is a family experience for many people. I watch with my 2.5 year old. He was absolutely horrified by the Alien at the end of the trailer. I ended up having to cover his eyes or change the channel everytime the ad came on. The sight of the Alien creature is not family friendly, no matter how briefly it's on the screen. There's no way this ad should be on at this time of day nor during sport when kids will be watching.

THE ADVERTISER'S RESPONSE

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

The advertisements in question are two thirty second long videos featuring audio. These advertisements were broadcasted nationally across both free to air and paid TV to promote the new film ALIEN: COVENANT. The videos in question feature key characters in the film as well as the villain, the alien. All advertisements for this film that have been broadcasted were approved and rated J by the Free TV Australia classification body. J rated

programming is appropriate to be broadcasted to a general audience and these spots were matched to the programming accordingly. A huge amount of care was taken in the selection of the footage used in these advertisements to ensure minimal viewing of the villain, and to ensure that there is no extreme violence or horror themes showing. We were mindful that there would be co-viewing times in which the advertisements were shown and picked footage that was not scary in nature.

The TV spots in question are no longer running across any medium. Different advertisements (15 sec in length), will be run in accordance with CAD restrictions until the 20th of May.

As requested the following is in direct reference to the remaining parts of Section 2 of the Australian Association of National Advertisers (AANA) Code of Ethics.

2.1 Advertising or Marketing Communications shall 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 advertisements in question in no way discriminates or vilifies any person or section of any community with regards to race, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief. In the advertisement featured, no nationality, gender, age, sexual preference, religion, disability, mental illness or political belief is referenced in any way.

2.2 Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.

The advertisement in no way employs sexual appeal in a manner that is exploitative or degrading of any individual or group of people.

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.

Violence is featured in the advertisements in question when the alien/the villain of the film appears toward the middle of one of the advertisements, and at the end of both. The villain is only featured for half a second in total each time, to substantially lessen the impact. The villain is also shown so quickly that there is no sense of threat of antagonism in his depiction. No violent language, or aggression is used in any of these advertisements. These advertisements promote the film which is a sci-fi drama popular with audiences 15 and above, where the Alien/the villain is the central character. The film in question is part of a broader franchise that has been featured across television, radio, shopping centres and other media for decades now. The villain is also featured on all materials promoting the film and provide context of the film Alien: Covenant – the film poster, digital media and other out of home activations.

2.4 Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

The advertisement in no way references sexuality, sex or nudity.

2.5 Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided.

The advertisement features no inappropriate language or aggressive tones.

2.6 Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

The advertisements do not feature anything that is in opposition to the prevailing community standards on health and safety. The advertisements, like the film it promotes, is Sci Fi in nature and the characters featured are mythical creatures. There are no dangerous activities carried out in the advertisements and in no way does the advertisement encourage others to attempt anything dangerous in nature.

In addition to abiding by all codes set out by the AANA Codes of Ethics we have also ensured that we are well within the AANA Code for Advertising and Marketing Communications to Children in the production of this advertisement. We were mindful of the fact that although the film is not targeted towards very young children, that they may see the advertisement through out of home channels and for this reason we ensured that the softest material possible was chosen. There is no violence featured.

In sum, the advertisement used abides by all of the codes and guidelines established by the AANA Code of Ethics and the AANA Code for Advertising and Marketing Communications to Children and therefore, should withstand the complaints received.

THE DETERMINATION

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

The Board noted the complainants’ concerns that the advertisement is horrifying and not suitable for viewing by 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 these television advertisements (two 30 second advertisements), feature key characters in the film as well as the villain, the alien. The advertisement shows scenes on an island and on a ship or aircraft.

The Board noted the advertisements have been rated ‘J’ by CAD which means:
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 Board noted its placement was consistent with the rating given. The Board noted the advertiser’s statement confirming that each version of the advertisement is no longer running across any medium and that different versions (15 sec) were run until 20 May.

The Board noted that some members of the community would prefer if this type of advertising was not aired on television so as to eliminate the risk of children viewing material

that could alarm them. The Board noted however, that the advertisers are permitted to advertise on different mediums providing that they adhere to the classification guides and any other regulations for the particular medium.

A minority of the Board felt that the airing of advertisements of this nature was inappropriate and not suitable to be aired during live sport irrespective of the rating.

The majority of the Board however, considered that whilst some of the images used in the advertisement do depict supernatural activity, these scenes are relevant to the movie and are clearly presented in the context of excerpts from the movie. Noting the CAD rating and that the advertisement includes quite stylised and unrealistic images, the Board considered that the advertisement presented violence in a manner which is justifiable in the context of the product advertised and did not breach Section 2.3 of the Code.

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.