



Case Report

1	Case Number	0211/15
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	10/06/2015
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 Violence

DESCRIPTION OF THE ADVERTISEMENT

There are two Poltergeist ads running on metro stations and on Foxtel. The first has a J rating and features a male voiceover saying, "We just want our daughter back" and visuals of a young girl placing her hand on a screen and then a boy pointing a torch to the floor then on a clown.

The second has a T rating and features audio of screams as well as visuals of a girl being dragged on the floor, pulled through a door and then up some stairs.

THE COMPLAINT

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

This advertisement is inappropriate to be shown at such an early time in the evening during family programming. My children are as young as 10 as seeing this advertisement. The themes it contains are too strong and are not appropriate for the time slot. It has been shown

as early as 5:30.

Unacceptable time slot to be airing the trailer due to children viewing tv at this time. Should be aired after 9.00pm.

The commercial is aired daily while children are watching t.v including my own son who is terrified every time the commercial is aired. This commercial should be aired an a more appropriate time slot.

I object to the preview that was aired during primetime viewing,7:29pm,also around the same time the previous night. It was for the movie Poltergeist, a horror, Rated PG13, while my two youngest children age 6 and 9 were watching TV. Because of the nature of the film being that it starred a little girl, my two youngest were intrigued. (I quickly found the remote to change it)

It's quite simple, that type and content of movie information should not be shown on TV during primetime. Kids are still awake that shouldn't be 'accidentally viewing' horror material, for obvious reasons like nightmares etc. Really bad taste to show footage like this during a family show viewing time slot.

Please at least can it be shown at a later time for a more suitable age group.

I would like to question the time slot this was advertised as this movie is rated M in Australia. This is the second time I have seen this advertised during the same time slot in the past week.

I believe it is on too early and during family viewing times and isn't appropriate for kids to watch. Shouldn't be shown til after 9.30pm

Too scary for 8pm at night during a family show Masterchef which my young children watch.

I feel that this type (horror) of advertisement should not be advertised during the programming of a family show (home and away). I also feel that it should be shown at a later time. My children have unfortunately been subjected to this which could have been avoided.

This advert is for a scary movie and it has scared my kids and they are now having nightmares and scared to go to bed. This movie advert should be shown after 9pm when most children are in bed. My kids are aged 12yrs & 8yrs and are in bed by 8.30pm. When this ad comes on I have to hope that I'm in the room and I have to change the channel. I have also instructed my kids to change the channel.

I believe the frequency and the time that this movie was advertised is an I appropriate time for this movie when children who are under age to watch the movie at cinemas are still awake to see this and being a horror /thriller movie this could have severe implications for their state of mind before bed and beyond.

This advertising should not be shown during a family time slot it has been advertised during masterchef which is a family show and it is quite a scary ad for children to see. It should not

be shown in this time slot

Not appropriate for children, we have children 4-9 that we allow watch Modern family and this movie was being advertised during this program. Which we have looked up and can see that it's rated pg13 but has had some controversy regarding its rating.

Too early to be showing horror movie previews as children are still watching tv. This is too scary for children. After 830 only please.

I object to the time that this advertisement was played and during the program it was played. It was at 6.55pm on a Sunday night in the middle Modern Family (a family friendly show). The shorts were of a frightening film not suitable for children.

The new Poltergeist movie is being advertised depicting very frightening themes at a time when young children are still watching G rated programs. My son has been frightened by these adds and it is highly inappropriate to depict such frightening scene so early in the evening.

Its not appropriate for the time slot that it appears at should be after 9 30pm.

*Disgusted to see an advert trailer for the Poltergeist at 6.15pm tonight 16-5-2015. In the Ads during the 7 perth news when children are still up. We had to explain to our children what a poltergeist was.
Will be reporting.*

The classification for this movie is 18+ showing at 5.30pm on a Saturday evening is in appropriate and negligent considering the younger audience is still awake and in the midst of watching TV with their families.

The classification for this movie is 18+ showing at 5.30pm on a Saturday evening is in appropriate and negligent considering the younger audience is still awake and in the midst of watching TV with their families.

The trailer is scary and does not seem to be appropriate to be aired in a Home and Away ad break. We had the TV on whilst reading stories before bed and our children caught some of the ad. They have been affected by some of the content.

It has given my two kids nightmares. My son is finding it difficult to get the images out of his head. He struggles to fall asleep. When the sound of the ad comes on he shakes and hides. My children are 9 and 10. Trailer way too frightening for kids.

It is a threatening advertisement which promotes a feeling of fear in the viewer. We believe it is entirely inappropriate for a time slot where children are viewing programs such as The Project, The Block/ Reno Rumble. This film will not have a PG rating and as parents we would prefer that our 6 year old is not exposed to this as it creates fear.

This is an add for a very scary movie: The poltergeist. It is about terrifying apparitions that hold a families youngest daughter captive It's content is not appropriate for you children but is shown in prime family watching. It has been on 2 days in a row now and it has caused extreme anxiety to my 9 year old son.

It was 7:15 at night when the ad came on, and my daughter saw the ad! It is a scary movie not a children's movie, and it showed a scary clown that has completely scared my 8 year old daughter, not suitable at that time of night to be on air! My daughter is clinging to me in tears and doesn't want to go to bed tonight because of how scared she is!

The add was on at a time when the family was sitting down to watch t.v at a time that would generally be considered not late for young children. The add was of a frightening nature that quite frankly scared my kids considerably, and should not be allowed to have something like that on at that time of night. It came on twice during that time before we turned the channel. So I'm now off to put my children to bed, in my room of course where I will be staying with them because they are frightened and don't want to be alone. I have never complained like this before but quite frankly felt I had no choice with the frightening reaction of my boys.

My complaint is about the add being on at 7pm on a Monday night when my 5 year old child was with his father watching a family tv show on free to air Channel GO. From that he has had nightmares for the last 2 nights about the clown they show during the add.

The first ad came on about 8.30 and my young daughter saw it then another one later at about 11pm. No one should have to see this type of stuff on tv at night because it is distressing

This is a family time slot and movies like these should be advertising much later. My 9 & 11 year old daughters go to bed after Home & Away and needless to say tonight they were not wanting to go to bed after watching that ad. I understand they need to advertise, but this should not be shown before 8.30pm. The advertisement says "check for classification"... but if the classification needs to be checked then it shouldn't be shown during prime time family viewing.

I am making a complaint because the ad was played around 6:40pm my 3 year old daughter was watching neighbours with her dad and myself. It was defiantly the wrong time and it scared her. I don't think a ad like that should be played before 8 pm

The ad is being shown on prime time tv at times when children are watching, I was bathing my child and the ad came on, i was shocked and looked at the time, it was only 7.25pm I then was watching Channel Nine with my child at about 8pm and again it came on, i quickly flicked over to channel ten to avoid watching it and my child watching it and then within seconds channel ten played it. I proceeded to the facebook pages for both channels only to find i was not the only one offended by this ad and the time slot. I believe its not an ad for anytime while children are still awake watching tv and I for one dont want to see it either while im watching my fave reno or cooking show.

The rating of this movie would not be within the recommended standards for viewing at this time, especially with children. My children were traumitised by the footage contained in the

movie trailer. The timing of its broadcast was disgraceful and I believe, illegal

It was shown during family viewing time, my son was absolutely freaked out and could not sleep.

It was approximately 7.30pm and my 9 and 11 year olds were watching the program when the ad came on. They now won't sleep in their beds because the ad scared them both.

This type of horror movie should not be advertised at this time of the evening during a family television show. It can frighten children unnecessarily before they are about to go to bed.

To scary for younger viewers. Wrong time of day.

I don't think it's appropriate to show previews for MA movies during a PG tv show.

THE ADVERTISER'S RESPONSE

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

Complaints received:

- Shown during family viewing time - All of our TV spots are CAD compliant in line with viewing times for the rating of our film and content of footage. We made soft edits to a version of the spot to comply to the J rating in line with CAD comments for earlier-rated programming.*
- Scary to young viewers - All of our TV spots are CAD compliant in line with viewing times for the rating of our film and content of footage. We made soft edits to a version of the spot to comply to the J rating in line with CAD comments for earlier-rated programming.*
- Wrong time of day/ not complying with the recommended standards for time of viewing - All of our TV spots are CAD compliant in line with viewing times for the rating of our film and content of footage. We made soft edits to a version of the spot to comply to the J rating in line with CAD comments for earlier-rated programming.*
- The timing of its broadcast was disgraceful and I believe, illegal - All of our TV spots are CAD compliant in line with viewing times for the rating of our film and content of footage. We made soft edits to a version of the spot to comply to the J rating in line with CAD comments for earlier-rated programming.*
- Disturbing visuals - All of our TV spots are CAD compliant in line with viewing times for the rating of our film and content of footage. We made soft edits to a version of the spot to comply to the J rating in line with CAD comments for earlier-rated programming.*
- Inappropriate to show MA content in PG programs - The film Poltergeist is rated M (not MA). In any case, the footage is in line with CAD regulation for the timeslot during which the commercials aired.*
- The advertisement says "check for classification"... but if the classification needs to be checked then it shouldn't be shown during prime time family viewing. - The CTC label is in compliance with OFLC regulation and is used until the film has been rated. The spots now carry the M rating as the film has since been classified.*

We created these advertisements to create awareness that this film is coming to cinemas in Australia. We adhered to CAD's advice in toning down the supernatural themes and tone of the advertisement and as a result received a J rating on key number FXPOL15GSA3, which

enables us to show a version of our spot in the below times. We used the T rated spot only in the later programming, post 8.30pm in line with CAD regulation.

PG, M and MA-Classified Material/PG-Style "J"

PG-Style Commercials for PG, M and MA Classified Cinema Films, DVDs, Videos, or for PG and M Classified Games

Must not be broadcast (except see below for digital multi-channels):

- *Between 6.00am and 8.30am on weekdays*
- *Between 4.00pm and 7.00pm on weekdays*
- *Between 6.00am and 10.00am on weekends*
- *P or C programs or in breaks adjacent to P or C periods*
- *In G programs which start at 3.30pm on a weekday or are broadcast between 7.00pm and 8.30pm on any day.*

Digital Multi-Channels

In addition, may be broadcast during the following hours on digital multi-channels only:

- *Weekdays 6.00am - 8.30am*
- *Weekdays 4.00pm - 7.00pm*
- *Weekends 6.00am - 10.00am*

The programs that we have our advertisement in, air in the correct rating times and comply with CAD's advice.

The film has recently been rated M and the ads will now appear with the rating on the spots previously they had the

Check the Classification on them as the film was not classified at the time the spots went to air.

The ad is classified essentially as PG-style and appears in such programs.

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 features scenes from a horror movie that are scary and cause alarm and distress for children who may view it.

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 there are two television advertisements featured and that they both contain scenes from the movie including supernatural themes and vision of a young girl in one and a young boy in the other. The details of when the movie is to appear in Cinemas are seen at the end.

The Board noted the first advertisement (with the young boy) has been rated 'J' by CAD which means that it can be played prior to 8.30pm and its placement was consistent with the rating given.

The Board noted the advertiser's statement confirming that each version of the advertisement had been broadcast in accordance with the rating and broadcast timing restrictions.

The Board noted the second advertisement (with the young girl) has been rated 'T' by CAD which means that it cannot be played prior to 8.30pm and its placement was consistent with the rating given.

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.

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