



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0226-21
2. Advertiser :	Paramount+
3. Product :	Entertainment
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	11-Aug-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.3 Violence

DESCRIPTION OF ADVERTISEMENT

This television advertisement is promoting the streaming service Paramount+ and features scenes from various programs available on the platform.

THE COMPLAINT

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

The ad shows excessive violence with the killing of a small child named Kenny in a short ad for shouts park. Showing the murder of a person with blood on display on tv at 5:30pm when children are watching is highly inappropriate.

THE ADVERTISER'S RESPONSE

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

ViacomCBS has reviewed the complaint and advertisement for Paramount+ (the Advertisement). We contend that the Advertisement complies with the AANA Code, particularly with regards to Section 2.

The commercial was broadcast on 10 Peach on 19 July 2021 at 5.31pm. The commercial was internally classified PG and broadcast during Frasier which commenced broadcast from 5.00pm and was also classified PG. Under the



Commercial Television Industry Code of Practice, PG classified content may be broadcast at any time of the day, subject to certain exceptions. We consider the scheduling of the commercial complied with the Commercial Television Industry Code of Practice.

Based on the results from OzTAM (5 City Metro, Consolidated 7), 100% of the total audience of the program (65,281 viewers) was aged 18+ (the Audience demographics).

We specifically address the Complaint in relation to the relevant section (section 2.3) of the AANA Code of Ethics:

2.3 Advertising shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

The Advertisement featured excerpts from the animated comedy series South Park. A recurring joke in the program, particularly the first five seasons, was the death of the character Kenny McCormick during an episode, only to reappear in the next episode. Kenny's death was usually followed by another character (Stan) yelling "Oh my God, they killed Kenny!" The Advertisement briefly featured one such death and Stan's catchphrase.

We consider the content was mild in impact and can be accommodated within the PG classification for broadcast during the program at the time in question. The content was brief, stylised and unrealistic, depicted in the typical South Park style of animation. The material was contextualised in the Advertisement featuring numerous films and television series available on Paramount+, some of which contain violence. The depiction was comical in nature, consistent with the program South Park featured on the advertised service. The tone of the Advertisement was not violent or menacing.

Furthermore, the Advertisement was appropriate to the target audience (18+ demographic) with no minors watching according to OzTam. Hence the violence portrayed in the Advertisement was justifiable in the context of the service advertised and the audience watching and did not breach Section 2.3 of the Code.

In relation to the other provisions of Section 2 of the AANA Code:

- Section 2.1 – The Advertisement did not specifically single out types of behaviour or attempt to depict types of behaviour among any of the sub-groups listed under the Practice Note (race, ethnicity, nationality etc);*
- Section 2.2 – The Advertisement did not employ sexual appeal in a manner that could be considered exploitative or degrading in the context of advertising various content available on a streaming service;*
- Section 2.4 – The Advertisement treated sex, sexuality and nudity with sensitivity to the 18+ audience in the context of advertising various content available on a streaming service;*



- *Section 2.5 – The Advertisement used language which was consistent with the PG classification and appropriate for broadcast to an adult audience on free-to-air television. There was no strong or obscene language;*
- *Section 2.6 – The Advertisement did not relate to consumer material or goods where concerns of prevailing community standards on health and safety were relevant;*
- *Section 2.7 – The Advertisement was clearly a promotion for the Paramount+ service and would have been distinguishable as such by any ordinary viewer.*

The content of the Advertisement is not directed to children, the placement of the Advertisement is not directed to children, and children are not being targeted to subscribe to the service. Hence the Advertisement does not constitute advertising or marketing communications to children and hence the AANA’s Code of Advertising & Marketing Communications to Children is not applicable.

For the reasons set out above, we believe the Advertisement complies in all relevant respects with the Code.

THE DETERMINATION

The Ad Standards Community Panel (Panel) considered whether the advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant’s concern that the advertisement depicted blood and the death of a child which was inappropriate at the time the advertisement was shown.

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

Section 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.

The Panel noted the Practice Note for this section of the Code which states “*Graphic depictions of violence or a strong suggestion of menace have been found to present violence in an unacceptable manner especially when visible to a broad audience which includes children. For example, advertising for violent or horror movies, tv shows or video games should take care not to include images that give the impression that a character has just committed violence against someone (for example, a weapon with dripping blood), was the victim of violence (for example, freshly severed limbs) or is about to commit violence against someone (for example, gun aimed directly at a person or the viewer) where there is a broad audience which includes children*”.

Does the advertisement contain violence?

The Panel noted that the advertisement features a number of scenes from different television shows available on the streaming service. In particular, the Panel noted a short scene which featured a cartoon sequence of a sword flying out of someone’s



hand, and hitting another character in the face, with splashes of blood and a squelching sound. The scene cuts to another two characters, with one saying, “Oh my God, they killed Kenny”. The Panel noted this scene was approximately four seconds of the minute-long ad.

The Panel noted that the depiction of cartoon violence does still constitute violence, and considered that the overall advertisement did contain violence.

Is the violence portrayed justifiable in the context of the product or service advertised?

The Panel noted that the advertisement had been broadcast at 5:30pm during the show Frasier. The Panel considered that this advertisement would likely have a mostly adult audience, although due to the rating and time shown some children may view the advertisement.

The Panel noted that the advertised product is a streaming service that features excerpts from a number of different shows, including South Park. The Panel considered that South Park is a show which contains violence.

The Panel noted that the scene of concern was short and was not the focus of the advertisement. The Panel considered that the character and line in this short scene was a well-known aspect of this show, and would be easily recognised by many adults as a scene repeated many times over many episodes in an entirely unrealistic scenario. The Panel noted that the violence was in the context of a cartoon, and was not realistic or overly graphic.

Overall, the Panel considered that the use of a brief, violent scene was reasonable in advertising a violent television show which contained such scenes. The Panel considered that the level of violence was not excessive in the context of an advertisement for a streaming service.

Section 2.3 conclusion

In the Panel’s view the advertisement did portray violence that was justifiable in the context of the product being advertised and did not breach Section 2.3 of the Code.

Conclusion

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