



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0229-20</b>
<b>2. Advertiser :</b>	<b>Stan</b>
<b>3. Product :</b>	<b>Entertainment</b>
<b>4. Type of Advertisement/Media :</b>	<b>TV - Free to Air</b>
<b>5. Date of Determination</b>	<b>12-Aug-2020</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.3 Violence

### DESCRIPTION OF ADVERTISEMENT

This television advertisement is promoting the Stan programme 'Relic' and has three versions:

#### Version 1 Imagery:

Two women (younger and older) standing in a doorway

The older woman turning from the kitchen sink.

A woman looking concerned and saying "Mum?"

The older woman looking at her bruised chest.

The older woman in bed with a younger woman standing next to her. The older woman asks the younger one to check under the bed.

A young woman using her phone as a torch.

A young woman in the forest with a man in black visible behind her.

Short scenes showing a woman in bed, a woman on a staircase, a woman in a bathtub, a woman hitting a wall.

#### Version 1 Audio:

Mum is scared. She thought that someone was coming into the house.

Mum?

You know what she's like, she forgets things.

It's under the bed.

There;s nothing under the bed Mum.



Check for me.

The Stan original film, Relic. Premieres Friday only on Stan.

Version 2 - Identical to Version 1, with the ending stating "Streaming Now only on Stan".

Version 3 Imagery

Two women (younger and older) standing in a doorway

The older woman turning from the kitchen sink.

A woman looking concerned

The older woman looking at her bruised chest

The older woman in bed with a younger woman standing next to her. The older woman asks the younger one to check under the bed. Something moves under the bed when she looks.

A wall above a fireplace cracking

Short scenes showing a young woman using her phone as a torch, a woman in a bathtub, a woman on a staircase, a woman crying, a window, women in a hallway, a woman hitting a wall.

Version 3 Audio

Mum is scared. She thought that someone was coming into the house.

Do you know how you got this bruise?

It's here, under the bed.

There's nothing under the bed Mum.

Check for me.

It's my house! Get out!

## **THE COMPLAINT**

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

*Inappropriate time slot*

*I don't think this type of clip is appropriate for the times it has been advertised when young children would be present. Especially the inappropriate themes it has chosen from the series.*

*I have young children at home and when they see this ad they are scared shit less. Its not appropriate to show ads like this during daylight hours particularly when children are spending a lot of time on the TV due to the fact they are home. I don't think it's appropriate to show this type of ad during the day or anytime before 8 pm whilst children are awake. It needs to be removed*



*Content is not for kids and young people and its is advertised from early morning until the end of night. Advertising is using disturbing music and dialogue is not appropriate (horror content)*

*The scary tv ad shows every morning at 7:55 am while we watch the morning news getting ready for school and work. The show is a horror show and should no be advertised when children can be watching tv*

## **THE ADVERTISER'S RESPONSE**

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

*We refer to your letter dated 23 July 2020 regarding the abovementioned complaint ("Complaint") in respect of the relevant Stan advertisement ("Advertisement"). Thank you for the extension of time granted for Stan to respond to the Complaint.*

### **1. Facts relating to the Advertisement**

#### *Television Advertisement*

- Different cut-downs of the Advertisement, with durations of between 15 to 30 seconds, were broadcast on commercial television stations Channels 7, 9 (including 9Life), 10 and SBS between 5 July 2020 and 23 July 2020. The cut-downs of the Advertisement comprised a version intended to be broadcast during later timeslots (the "Late Version", being Video Attachment 1) and versions intended to be broadcast at other times of the day (the "Early Versions", being Video Attachments 2 and 3).*
- Different versions of the Advertisement were created to ensure that Stan was in compliance with CAD's recommendations (including those set out in the ClearAd's Handbook). As a result, edited changes to the vision and music of the Advertisement were created in order to achieve less impact in the audio and visual shots for the Early Version Advertisements, which were shown during the day on the commercial television stations.*
- The Advertisement featured footage from the film Relic.*
- The Advertisement was designed to inform viewers of, and to showcase, Relic.*
- The placement code rating for the Advertisement is "H".*
- From the information provided in the Complaint, we have identified the versions of the Advertisement that were the subject of each individual complaint, together with additional detail:*



1. *Date & time: 06/07/20 at 7:30pm on 9Life (ClearAds Key Ref STRELFREEL30) - Late Version*
2. *Date & time: 07/07/20 at 6:52pm on Channel 9 (Nine News) (ClearAds Key Ref STRELFRBS30) - Early Version 1*
3. *Date & time: 08/07/20 at 7:50am on Channel 9 (Today Show) (ClearAds Key Ref STRELFRBS30) - Early Version 1*
4. *Date & time: 14/07/20 at 1:00pm on Channel 7 (ClearAds Key Ref STRELNSBS30) - Early Version 2*
5. *Date & time: 18/07/20 at 7:55am on Channel 9 (Today Show) (ClearAds Key Ref STRELNSBS30) - Early Version 2*
6. *Date & time: Various at 7:55am on Channel 9 (Today Show) (ClearAds Key Ref STRELNSBS30) - Early Version 2*

*The Advertisements described in 1 and 4 above were bonus placements provided by the broadcaster, the placement of which were not in Stan's control. However, both Advertisements utilised the correct versions with respect to the timeslot in which they were broadcast.*

- *A digital copy of the three versions of the Advertisement is attached to the email accompanying this document.*

- *The Advertisement ceased being broadcast on 23 July 2020.*

## 2. *AANA Advertiser Code of Ethics (Code)*

*We have reviewed the relevant sections of the Code and also the information and guidance provided on [adstandards.com.au](http://adstandards.com.au) in relation to responding to complaints.*

*In our view, the Advertisement complies in all relevant respects with the AANA Code of Ethics ("Code"), and is in step with Prevailing Community Standards.*

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

- *Discrimination or vilification (s2.1)*

*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.*

*Discrimination and vilification issues were not issues raised in the Complaint.*

- *Sexual appeal (s2.2)*

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



*Exploitative and degrading use of sexual appeal was not an issue raised in the Complaint.*

- *Violence (s2.3)*

*The Advertisement does not present or portray violence in a manner which is not justifiable in the context of the programs and service advertised.*

*The Advertisement shows no explicit scenes of gore; scenes which are inherently violent or of highly violent and graphic nature; scenes showing weapons or other material being used in a threatening or violent manner; scenes creating a purposeful feeling of fear or menace; scenes of bullying or physical assault/violence; or scenes of suicide or other torture.*

*The Advertisement contains depictions of clear fantasy and are not depictions of graphic violence, nor is the Advertisement likely to encourage viewers to engage in similar behaviour in real life. The overriding tone of the Advertisement is not one of graphic violence or the consequences of violence.*

*The Advertisement was rated “H” by CAD and the Advertisement was run in an appropriate timeslot.*

*Based on the foregoing and taking into account the AANA Code of Ethics – Practice Note, we are strongly of the view that the Advertisement’s fleeting and non-gratuitous portrayal of kissing treats, issues of sex, sexuality and nudity with a sensitivity to the relevant audience, is justifiable in the context of the programs being advertised, is consistent with prevailing community standards and it’s 8:15pm timeslot appropriate for the likely audience.*

- *Sex, sexuality and nudity (s2.4)*

*The Advertisement ensured that any scenes addressing sex, sexuality and/or nudity were treated with sensitivity to the relevant audience in compliance with s2.4 of the Code. A character is briefly shown as laying in a filled bath, though nothing other than bare shoulders and arms is shown.*

*Sex, sexuality and nudity issues were not raised in the Complaint.*

- *Obscene language (s2.5)*

*The Advertisement does not include strong or obscene language or language which is not appropriate in the circumstances.*

*Obscene language was not an issue raised in the Complaint.*

- *Health and Safety (s2.6)*



*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. Further, the Advertisement is clearly of broad appeal and not targeted primarily at children.*

*Health and safety issues were not raised in the Complaint.*

### *3. Stan comments in relation to the Complaint*

*For the reasons set out above, we strongly believe the Advertisement complies in all relevant respects with the Code. Further, Stan considers that the content of the Advertisement is not directed to children, that the placement of the Advertisement is not directed to children, and that Stan is not targeting children to view the film Relic.*

*The Advertisement adhered to the relevant classification restrictions and was placed in appropriate timeslots.*

*Please let us know if you require any further information.*

## **THE DETERMINATION**

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

The Panel noted the complainants' concerns that the advertisement:

- this is a horror film with themes that are inappropriate for children to see
- is played in an inappropriate time slot
- uses disturbing music and inappropriate dialogue

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

The Panel 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 Panel noted that all versions of the advertisement had been given a 'H' rating by ClearAds meaning, "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 likely to attract a substantial child audience." ([https://www.clearads.com.au/wp-content/uploads/2020/02/ClearAds-Handbook-\\_Edition-8.1.pdf](https://www.clearads.com.au/wp-content/uploads/2020/02/ClearAds-Handbook-_Edition-8.1.pdf)). The Panel considered that complainants had viewed this advertisement in shows such as Survivor, The Project and A Current Affair and that this was in line with the rating.



The Panel noted that the Practice Note for the Code states:

“The Community Panel has also found that a strong suggestion of menace presents violence in an unacceptable manner and breaches this section of the Code.”

The Panel considered that both versions of the advertisement contained dialogue about the older woman being concerned about someone coming into the house and being under the bed. The Panel acknowledged that this was a menacing theme which some viewers may find uncomfortable, however considered that this theme was directly relevant to the movie being promoted.

The Panel noted that the concept of something being under the bed may be of particular concern to children, but noted that in the Early versions of the advertisement the young woman checks under the bed and sees nothing. The Panel noted that the Late version of the advertisement does depict something moving under the bed, but the Panel considered that it is unclear what is moving and is a brief scene.

The Panel considered that both versions of the advertisement contained a scene with a woman having a bruised chest. The Panel considered that most children are familiar with bruises and would be unlikely to find this scene to be violent or gory.

The Panel noted short scenes in the second half of both versions of the advertisement showing a woman in bed, a woman on a staircase, a woman in a bathtub, a woman hitting a wall. The Panel noted that these scenes are very fleeting and there is no focus on any particular aspect.

The Panel noted that the music in the advertisement is dramatic and heightens suspense in a way that contributes to a suggestion of menace, however the Panel considered that this suggestion is not strong.

Overall, the Panel’s considered that the tone of this advertisement was suspenseful and frightening, and contained a suggestion of violence. The Panel considered that the level of menace was not excessive in the context of an advertisement for a horror movie. In the Panel’s view the violence and menace portrayed in the advertisement was 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 Panel dismissed the complaints.