



**Ad Standards** Community Panel  
PO Box 5110, Braddon ACT 2612  
P (02) 6173 1500 | F (02) 6262 9833

**AdStandards.com.au**

Ad Standards Limited  
ACN 084 452 666

## Case Report

<b>1. Case Number :</b>	<b>0230-21</b>
<b>2. Advertiser :</b>	<b>Paramount+</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>25-Aug-2021</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 film Infinite on Paramount+. A man with a long sword speaks to a man behind a desk. A scene of the second man shows him lying on a bed with words scarred on his chest. The two men continue speaking and the first man takes various items out of a briefcase, asking the second man which ones belong to him. The first man then loads a gun and spins the barrel. He points it at the second man, pulling the trigger. The gun clicks but does not fire. He does this several times, continuing to ask which items belong to the second man. The second man picks up one item and several scenes quickly flash on screen, including a watch, a person underwater, a person in a jungle scene. The scene returns to the two men, and a car crashes into the room. A woman with a gun exits, firing several shots and telling the second man to get in. A car chase through a police station is shown. Several scenes follow, showing the first man sitting at a desk, an aierolane, people exiting a car, the first man lying on a bed with water flowing underneath, a person jumping off a cliff, a motorbike on a grassy hill, a red car driving quickly while spotlighted by a helicopter, people on a snowy hill, the second man standing in a dark street.

### THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:





*Guy threatened with a gun on numerous occasions (via Russian roulette). During family show. Violent and confronting.*

## **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 and contends that the Advertisement complies with the AANA Code of Ethics (the Code), particularly with regards to Section 2.*

*In Infinite, Mark Wahlberg plays the character Evan McCauley, a man haunted by memories of places he's never been and skills he's never learned. Diagnosed schizophrenic as a young boy, and pushed to the brink of madness, Evan is found by a group calling themselves "Infinities", who reveal that his memories may actually be from past lives.*

*The Advertisement was broadcast on 10 on 1 August 2021 at 8.51pm. The Advertisement was classified M and broadcast during Australian Survivor (the Program) which commenced broadcast from 7.30pm. Under the Commercial Television Industry Code of Practice, M classified advertisements may be broadcast during a PG classified program (other than a film or sporting event) from 8.30pm. 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), 90% of the total audience of the program (635,000 viewers) was aged 18+.*

*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.*

*We consider the content was appropriately classified M and broadcast during the Program after 8.30pm. Onscreen classification and consumer advice was shown at the commencement of the Advertisement with the M classification symbol and consumer advice of 'Violence'. Classification and consumer advice are provided so that viewers may make informed viewing decisions for both themselves and those in their care.*

*The material was contextualised in the Advertisement featuring scenes from the action film Infinite, available on Paramount+. There was no graphic depiction of violence, such as weapons with dripping blood, freshly severed limbs or images of blood. No physical assault was depicted.*



*Australian Survivor is not promoted to children and does not attract a substantial audience under 18 years of age. As stated above, 90% of the total audience for the episode in question was aged 18+. The Advertisement was broadcast after 8.30pm in accordance with the Commercial Television Industry Code of Practice.*

*Hence, the Advertisement was scheduled appropriately for the target audience (18+ demographic). 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 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 versions collectively forming this advertisement breached Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement depicts a man being threatened with a gun in a Russian Roulette scene which is violent and confronting during a family program.

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 soundtrack of the advertisement is suspenseful rather than aggressive. The Panel noted that the imagery of the advertisement does contain depictions of weapons, with a weapon shown to be pointed at a man however the Panel considered that these scenes are fleeting in the context of the overall advertisement. The Panel noted that there are no depictions of blood or violent acts. The Panel considered the theme of the advertisement is menacing and considered that the advertisement did contain violence.

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

The Panel noted that the advertisement was promoting an action film titled 'Infinite' which is rated M.

The Panel considered that although the advertisement contains a scene suggestive of Russian Roulette there is no physical harm depicted as a result of this scene. The Panel considered that the advertisement uses quickly changing scenes which breaks up the sense of threat created in the advertisement and there is no focus on blood or gore.

The Panel noted that the advertised product is a thriller/action film that contains violent action sequences and graphic imagery, and noted that the scenes shown are



scenes from the film. The Panel noted that the music in the advertisement is suspenseful and does suggest a degree 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 contained a low level of violence. The Panel considered that the level of violence was not excessive in the context of an advertisement for a thriller/action movie.

### **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.