



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0246-20
2. Advertiser :	Stan
3. Product :	Entertainment
4. Type of Advertisement/Media :	Radio
5. Date of Determination	12-Aug-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.3 Violence

DESCRIPTION OF ADVERTISEMENT

This radio advertisement is promoting the Stan programme 'Relic' and features the voiceover:

Mum was scared, she thought someone was coming into the house.

ANNOUNCER: THE BONE CHILLING NEW STAN ORIGINAL FILM RELIC.

It's here under the bed. There's nothing under the bed mum....will you check for me.....AHHHH.

ANNOUNCER: STARRING EMILY MORTIMER, ROBYN NEVIN and BELLA HEATHCOTE.

This was where it got in...this is my house get out!! Scream.

ANNOUNCER: THE STAN ORIGINAL FILM RELIC PREMIERES JULY 10 ONLY ON STAN

THE COMPLAINT

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

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



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

Radio Advertisement

- *The Advertisement was broadcast on radio stations KiiS, WSFM, Nova, Gold, FOX, and SCA between 6 July 2020 and 19 July 2020.*
- *The Advertisement featured audio from the film Relic.*
- *The Advertisement was designed to inform viewers of, and to showcase, Relic.*
- *A copy of the relevant script for the radio Advertisement that ran on 18 July 2020 is attached at Annexure 1.*
- *The Advertisement ceased being broadcast on 19 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 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.

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 this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concerns that the advertisement:

- has content inappropriate for children
- is played all day
- uses disturbing music and inappropriate dialogue

The Panel reviewed 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 considered that the advertisement contained dialogue about a 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 listeners 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 considered that in the context of an audio only advertisement the suggestion is not clear. The Panel noted that there are sounds like



a person screaming and crying, but considered that without imagery these scenes contain only a mild suggestion of menace.

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 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 suggestion of 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 complaint.