



Ad Standards Community Panel
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Case Report

1. Case Number :	0247-22
2. Advertiser :	Universal Pictures
3. Product :	Entertainment
4. Type of Advertisement/Media :	TV - On Demand
5. Date of Determination	9-Nov-2022
6. DETERMINATION :	Upheld – Modified or Discontinued

ISSUES RAISED

AANA Code of Ethics\2.3 Violence

DESCRIPTION OF ADVERTISEMENT

This TV on Demand advertisement for the film 'Halloween Ends' features scenes from the movie, including:

- a person walking through a tunnel when a hand comes out of the wall and grabs him around the neck.
- A scared-looking woman holding a phone. Behind her a mirror slides back to reveal a man
- A person pushes a man's head into a table
- A woman and a man in a fight, which ends with the woman kneeling over the man and holding a knife in her hands above her head, swinging it down towards him.

THE COMPLAINT

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

My 9-11 year old children were extremely traumatised by seeing this graphics horror right before bedtime, shown during the grand final of the NRL football ads. The preview depicts strangulation, stabbing, head bashing, and more. This is highly inappropriate for this early in the evening.

We expect a reply confirming that this ad has been moved to a later time slot, at least after 8pm. We do not wish to seek legal action for the trauma caused, yet if we do not receive an adequate reply we will escalate this incident.



This a horror movie rated MA 15+ but is being advertised and shown during on demand streaming of family shows. The ad includes many scary scenes that shouldn't be shown without the viewer being able to consent and prepare to see these scenes.

THE ADVERTISER'S RESPONSE

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

The below response is in relation to the complaints received regarding Universal Pictures advertising for Halloween Ends specifically in regard to the on-demand advertisements depicting violence/language/nudity which causes alarm and distress to Children.

Universal Pictures International Australasia adhere to the AANA Advertiser Code of Ethics.

Section 2.3 of the Code states "Advertising or Marketing Communications shall not present or portray violence/language unless it is justifiable in the context of the product or service advertised."

Halloween Ends, is a horror film which contains numerous scenes which could be scary in nature and suspenseful. It would therefore be reasonable to justify that our advertising materials have been produced within the context of the product being advertised.

Universal Pictures strive to advertise films of this content in a manner that remains appropriate for all consumers.

To ensure due diligence, prior to activity going live we carefully plan out our targeting with the agency to deliver a thought-out digital plan to effectively reach the following audiences:

Audiences: P18-54

Targeting horror enthusiasts and comp titles

We follow our primetime TV key programming on demand

In this instance, we obtained clearance to display the advertisement according to the guidelines provided for the appropriate targeting & therefore the ad would have appeared on demand.

Universal Pictures and MediaCom exercised care with the planning and selection of the targeting schedule and focused on programming that skews within the demographic. Also, please be aware that is campaign is fully finished & not airing anywhere.



Please also note that all advertising materials for this film have displayed the (Check the Classification) logo for the required duration & updated once the film was classified.

We apologise for any distress caused and would like to reassure all parties involved that we have adhered to all required standards and the industry code of conduct in relation to the advertising materials and placements for this film.

THE DETERMINATION

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

The Panel noted the complainant's concern that the advertisement depicts violence.

The Panel viewed the advertisement and noted the advertiser had not provided a response.

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

The Panel noted that the Practice Note for this section of the Code states:

“In considering whether the violence or menace depicted in an advertisement is justifiable, the Community Panel may have regard to the audience of the advertisement. 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. More leeway is permitted where the depiction is stylised rather than realistic. However, advertisers should exercise caution when using cartoon violence as a cartoon style may be attractive to children.”

The Panel noted that the advertisement features scenes from the M15+ rated movie.

The Panel noted the complainants had viewed the advertisement between 7 and 7:30pm during a live sports broadcast.

The Panel noted that the advertisement would have a broad audience, and that this would likely include children.



A minority of the Panel considered that the scenes were justifiable in advertising a violent horror movie, and that any children viewing the advertisement on on-demand television would likely be supervised by adults.

The majority of the Panel noted the longer scenes of the person being grabbed by the neck and the woman at the end of the advertisement stabbing downwards with a knife. The Panel considered that these two scenes were not fleeting, and in combination with the overall horror theme of the advertisement the cumulative effect did constitute a high level of threat and menace.

The Panel noted that while the use of horror and violence images was relevant to the product being advertised, the advertiser could and should have chosen other, less violent, scenes to use.

The Panel considered that many people would find the violent nature of the advertisement shocking, and the high level of violence and menace was not justifiable in the context of advertising the horror movie at a time when children can view the advertisement.

Section 2.3 Conclusion

The Panel determined that the advertisement did present or portray violence which was not justifiable in the context of the product or service advertised and did breach Section 2.3 of the Code.

Conclusion

Finding that the advertisement did breach Section 2.3 of the Code, the Panel upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

Ad Standards notes the advertiser's response that the advertisement is no longer airing.