



Case Report

1	Case Number	0263/13
2	Advertiser	Boost Tel Pty Ltd
3	Product	Mobile Phone or SMS
4	Type of Advertisement / media	TV
5	Date of Determination	14/08/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Violence Graphic Depictions

DESCRIPTION OF THE ADVERTISEMENT

A masked man rides his motorbike down a street where zombies are roaming and then taking a photo with his phone.

THE COMPLAINT

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

I am totally offended to see horrific and bloodied zombies in everyday situations during prime time. The violence associated with trying to kill the zombies is completely unnecessary and has nothing with to do with the communication services it is aiming to provide. It associates violence and horror with a mobile phone recharge. It is worrying as it may affect children and others who are not used to horror on television in prime time tv.

THE ADVERTISER'S RESPONSE

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

The purpose of this letter is to provide an initial response to the Complaint received by the Advertising Standards Bureau (ASB) relating to two advertisements (Advertisements) placed

on the GO television channel by our advertising agency.

What does the complaint relate to?

The Complaint is that Article 2.3 of the AANA Code of Ethics (Code) has been breached by running the Advertisements on TV on Tuesday evening at approximately 8:45pm and 9:30pm.

In relation to Article 2.3 was Boost's presentation or portrayal of violence justifiable in the context of the product or service advertised?

Having carefully considered the Code, and assessed the relate Article against the content of these Advertisements, we submit that the Advertisements do not breach Article 2.3 or any other provision of the Code on any ground.

Article 2.3 provides that "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised."

The Oxford Dictionary defines violence as "behaviour involving physical force intended to hurt, damage, or kill someone or something".

In each of the Advertisements referred to in the Complaint there was no actual scene presenting, portraying or depicting actual "behaviour involving force intended to hurt, damage or kill someone or something".

The Advertisements contain imagines of zombies, which are fictional or fantasy creatures, being revived corpses. As such, the bodies of the zombies are presented or portrayed as partially decomposing. That is not a presentation or portrayal of violence in any manner. The person that has lodged the complaint seems to have jumped to various conclusions but those conclusions are completely unjustified or unrelated to the Advertisements in question.

We note the Complainant states that the violence associated with trying to kill the zombies has "nothing to do with the communication services [the advertisement] is aiming to provide".

With respect:

(a) we submit that the first commercial with "Ben" on the motor contains absolutely nothing in it that would expressly or impliedly portray or present the notion that the zombies are being killed by anyone, let alone Ben.

Ben, the motor bike rider simply observes a scene (the waste land scene) with zombies in it and rides off on his motor bike. A reasonable person viewing this Advertisement is probably more likely to conclude that he is escaping the clutches of Zombies after he has ventured out to find fuel.

(b) we submit that the second commercial with "Jen" in the supermarket, again contains no express portrayal of violence in any manner, nor of itself suggests that there is going to be the killing of anyone, or the Zombies.

Whilst in the supermarket commercial the woman is carrying a cricket bat, whether she

intends to use it for self-defence, to fend off the Zombies, or to kill them is left completely to the imagination of the viewer. The viewer's conclusion that the person is going to kill the Zombies is a personal conclusion reached, which is not suggested by the commercial itself any more than any other scenario which does not include any violence. In any event there was no violent act portrayed or presented in this commercial.

3. Timing of the Advertisements

Boost cannot control what individual viewers choose to watch on their televisions, or who its advertisements will ultimately reach. In this regard, we note that the Complainant states that they were concerned that the ad may be viewed by "children and others who are not used to horror on television in prime time TV".

The Board has recently observed in Case 0158/13 Advanced Medical Institute that "prevailing community standards would suggest that children are closely monitored by a responsible adult when viewing the internet, especially websites such as YouTube". We believe that this same reasoning applies to television.

Accordingly, most viewers would understand that it is their responsibility to monitor children's viewing activities with regards to television content generally, not the advertiser's. This is especially so from 8:30 onwards when movies and advertisements with mature themes are screened.

As noted by the Complaint, each of the commercials was aired on free-to-air television after 8:30pm on Tuesday evening during the school term.

As the ASB would be aware each of the Advertisements would have needed to be reviewed by the Commercials Advice Pty Limited (CAD) prior to screening and given a rating which would allow the Advertisements to be shown on television from a particular time. In this case, the Advertisements were reviewed by CAD and given a "M" rating. The M rating allows the Advertisements to be shown on free-to-air television during the following zones:

*weekdays (school days) 8:30 pm - 5:00 am
12:00 noon - 3:00 pm*

*weekdays and weekends
(school holidays) 8:30 pm - 5:00 am.*

The "M" rating we submitted instead of an "MA" or "AV" rating support our submission that the Advertisements do not portray or present violence in breach of the Code and where aired at the appropriate times. They simply contain Zombies (being a revived corpses), which are somewhat gory/scary creatures.

Given the rating and the time of the screening of the Advertisement, we submit that the Advertisements were screened on at times that according to acceptable community standards should not have affected children or anyone that should have been offended or alarmed because the Advertisements contained images of fictional characters (ie Zombies).

The time slot is one which recognises that the likely viewers are young adults, and the themes displayed in the Advertisements, are entirely appropriate for the young adult audience.

4, Context of Zombies Images

For the reasons stated above, we submit that the Advertisements are not in breach of Article 2.3 of the Code.

We wish to add however that the use of Zombies in a creative commercial, designed to communicate the following messages to our customers or potential customers is quite justified and appropriately connected. The messages communicated are:

(a) Boost branded products and services are not only mobile phones used for communication but also a platform for the delivery of entertainment. The Advertisements are an artistic film production which our advertising agency created to depict the merger between communications services and entertainment against the trending pop culture backdrop of Zombies.

This bleak Zombie inhabited landscape has been re-popularised by recent Hollywood movies such as World War Z, and immensely popular television series such as The Walking Dead.

(b) Metaphorically speaking, Boost branded products and services provide an escape from the otherwise dull and lifeless products and services offered by competitors. Boost branded products allow customers to break free from such products and services (eg fixed long term contracts that sap the life out of you).

(c) Finally and very importantly, the Advertisements depicting survivors in a Zombie infested city using their mobile phone to continue to stay connected and survive – that is to “Stay Living”.

The relationship between the scenario in each Advertisement and the service is reasonably evident. Ben receives a text from his fellow survivors before escaping the trap laid by zombies, and again later takes a photo of the trap with his smartphone to text to his fellow survivors. In the other Advertisement, we see Jen also send a text of the supermarket food aisle to her fellow survivors.

So while the use of Zombies is not a portrayal or presentation of violence, the use of Zombies (revived corpses) is justified in the context of these creative commercials for Boost products and services.

To Stay Living you need to be connected to real people, otherwise you’re a Zombie (just a corpse wondering the streets without purpose or real life).

What steps did Boost take to ensure that the advertisement was viewed by the appropriate viewer?

Although Boost is unable to prevent unintended viewers from seeing the Advertisement, it has ensured that the Advertisements were shown at an appropriately time of the evening (as discussed above), after obtaining advertising classification from CAD prior to screening.

Conclusion

Accordingly, we submit that the Advertisements do not breach prevailing community standards or the Code.

The Advertisements:

are appropriate for the young adult audience intended;

Boost has, so far as reasonably possible, put safeguards in place to ensure they are shown at the appropriate viewing time slot;

the tone and narrative of the Advertisements will be appreciated by its intended audience, who will understand the trending popular culture references which the Advertisements contain; and do not portray or present any violent behaviour.

If you require any further assistance or information please do not hesitate to contact me.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Board noted the complainant’s concerns that the advertisement depicts bloodied zombies which is not appropriate or acceptable in the context of a television advertisement for a mobile phone service provider and that if children were to see it they would be affected by the level of horror it portrays.

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

The Board 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 Board noted that the advertisement features a man on a motorbike riding down a street where zombies are roaming.

The Board noted that it had recently upheld an internet advertisement for Boost Mobile which also featured zombies (case reference 0215/13) where it found: “that the provisions of the Code are very precise in that violence can be portrayed only where “it is justifiable in the context of the product or service advertised”...The Board noted that Boost is a mobile phone service provider and considered that whilst it is possible to access movies via a mobile phone in the Board’s view the use of a graphically violent zombie scenario is not justifiable in the context of an advertisement for a mobile phone service provider. The Board noted that whilst the advertisement does demonstrate how mobile phones could be used in the situation depicted in the advertisement the Board considered that the situation itself, a zombie apocalypse, is presented in a manner which uses unnecessary violence in the context of the product advertised”.

The Board noted that the advertisement is a shortened version of 0215/13 and features the same situation, but in this instance the Board noted that whilst we see the zombies we do not see any actual violence. The Board noted that whilst some members of the community may object to the use of zombies in an advertisement in the Board's view it is not inappropriate to depict zombies in the context of an advertisement which has been rated 'M' by CAD and is therefore not targeted at children.

The Board considered that the use of zombies in an advertisement is not of itself a depiction of violence and determined that the advertisement did not present or portray violence.

Based on the above the Board considered that the advertisement did not breach Section 2.3 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaints.