

## Case Report

<b>1. Case Number :</b>	<b>0283-22</b>
<b>2. Advertiser :</b>	<b>Universal Pictures</b>
<b>3. Product :</b>	<b>Entertainment</b>
<b>4. Type of Advertisement/Media :</b>	<b>TV - On Demand</b>
<b>5. Date of Determination</b>	<b>7-Dec-2022</b>
<b>6. DETERMINATION :</b>	<b>Upheld – Modified or discontinued</b>

### ISSUES RAISED

AANA Code of Ethics\2.3 Violence

### DESCRIPTION OF ADVERTISEMENT

This television advertisement contains scenes from the film "Violent Night".

#### Version 1

Men with guns running across snowy ground  
Man shooting Christmas tree  
Santa putting pool balls in sack and hitting a man's knuckles  
Santa hitting a man  
Santa saying "it's time for some season's beatings".

#### Version 2

Man shooting Christmas tree  
Santa putting a grenade into a man's pants, then watching as he blows up (explosion visible)

#### Version 3

Men with guns running across snowy ground and indoors  
Santa being hit in the chest, and then headbutting the person.  
A man holding a gun being grabbed by the neck from behind  
Santa swinging a hammer  
Santa saying "it's time for some season's beatings"  
Santa hitting a person in the stomach with a hammer

#### Version 4

Men with guns indoors  
Man shooting Christmas tree  
Children hugging

Santa with a bloody face saying "these guys are feliz navi dead"  
Santa being hit in the chest, and then headbutting the person.  
Santa putting a grenade into a man's pants, then watching as he blows up (explosion not visible)

#### Version 5

Men with guns indoors  
Man shooting Christmas tree  
Children hugging and voiceover saying "stop that"  
Santa being hit in the chest, and then headbutting the person.  
Santa swinging a hammer and hitting several people in the head and chest

#### Version 6

Men with guns running across snowy ground  
Man shooting Christmas tree  
A man dressed as an elf holding a gun  
A man saying "what a way to find out there's no Santa"  
Santa swinging a hammer and hitting someone in the chest  
Santa putting pool balls in sack and hitting a man through a Christmas tree  
Santa being hit in the chest, and then headbutting the person.  
An explosion, in which Santa flies backwards

#### Version 7

Man shooting Christmas tree as children lay on the floor covering their heads  
Santa putting pool balls in sack and hitting a man's knuckles, then hitting him through a Christmas tree  
A man saying "there is no such thing as Santa"  
Santa putting a grenade into a man's pants, then watching as he blows up (explosion not visible)

### **THE COMPLAINT**

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

*I have a 6-year-old and would expect to not have to censor advertisement of this violent nature during these times. Time of advertising, inappropriate for children*

### **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 Violent Night 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.”*

*Violent Night is an action-comedy film which contains numerous scenes which could be 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 comp titles*

*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 this week.*

*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 was inappropriate for children and broadcast at a time when children were watching.

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

The Panel noted that some complainants may be concerned at the suggestion that Santa is not real, in versions 6 and 7 of the advertisement. The Panel noted that this is not a matter within the provisions of the Code, however encouraged advertisers to take extra caution and assess whether such an inclusion is necessary in advertising.

### **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."*

#### **Does the advertisement contain violence?**

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

The Panel considered that all versions of the advertisement contained scenes of violence, including violence between people and violence in the depiction of firearms/gunfire. The Panel noted that the scenes containing violence are detailed in the advertisement description above.

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

The Panel noted the complainants had viewed the advertisement during the Australia Football World Cup Game watched on TV On Demand. The Panel noted that the advertisement would have a broad audience, and that this would likely include children.

The Panel considered that the majority of the advertisement versions contained violence that was reasonable in the context of advertising a violent, MA15+ rated film.

The Panel considered however, that three scenes were of particular concern:

1. Pool balls placed in a sack and used to hit a man's hands (Versions 1 and 7)
2. A scene depicting a man in an explosion after having a grenade in his pants (Version 2)
3. A man shooting at a Christmas tree while children are in the room (Version 7)

The Panel considered that the second scene in Version 1 and 7 depicted both a realistic violent act and the pain caused by the violence inflicted on the man's hand. The Panel noted that after the man's hand is hit with the sack of pool balls, he yells in pain. The Panel considered that the promotion of the story and action in the film could have been conveyed through less directly violent scenes. The Panel considered that other fighting and violent scenes in the advertisement do not depict such a clear reaction, and the depiction of the man's pain in this case is particularly alarming.

The Panel considered that the first scene in Version 2 showed a man actually explode and noted that other versions of the advertisement did not directly depict the explosion, only the light from the explosion. In the Panel's view, this scene was gratuitous as the same sense of action and story could have been conveyed without showing the actual explosion, as in other versions.

The Panel considered that the third scene in Version 7 showed a man firing a gun at a Christmas tree while children cowered in the room. The Panel noted that other versions of the advertisement showed the man firing at the tree without showing the children in the room and considered that the depiction of frightened children was unnecessary and gratuitous.

The Panel noted that the three scenes of particular concern appeared in Versions 1, 2 and 7 of the advertisement. Given that those scenes could have been replaced by a less violent alternative, the Panel considered that those three versions presented violence that was not justifiable in the context of advertising the film.

### **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.