



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0284-21
2. Advertiser :	Paramount+
3. Product :	Entertainment
4. Type of Advertisement/Media :	TV - On Demand
5. Date of Determination	13-Oct-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.3 Violence

DESCRIPTION OF ADVERTISEMENT

There are two versions of this TV-on-demand advertisement features scenes from the movie, 'The Bite', a 20 second version and a 40 second version.

The 40 second version features the following scenes:

- A man in uniform states, "there is a new virulent strain of COVID"
- A door is shown with a lot of hands around the edges trying to get through
- A woman on a video call is stating that someone had been bitten by a bad boy. A man can be seen approaching her from behind
- A woman looks at a man who is chained to a bed, he has a bite mark on his ankle.
- A dead body on the ground sits up and approaches a woman who is on a video call. There is the sound of biting and she screams
- A group of zombies is seen moving through a forest.

The 20 second version features the following scenes:

- A man in uniform states, "there is a new virulent strain of COVID"
- A door is shown with a lot of hands around the edges trying to get through
- A dead body on the ground sits up and approaches a woman who is on a video call. There is the sound of biting and she screams.



THE COMPLAINT

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

It's rated MA, some what graphic and about a topic that children are worried about. It's being shown at 7pm while we're watching Junior Master Chief.

THE ADVERTISER'S RESPONSE

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

Comments regarding compliance with Section 2 of the AANA Code

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.

Streaming now on Paramount+, The Bite follows the lives of two neighbours Rachel (Audra McDonald, The Good Fight) and Lily (Taylor Schilling, Orange Is the New Black), as they embark on life in unprecedented times when a deadly new strain of a virus arrives.

Navigating the new normal in New York City, Rachel works from home juggling her many telemedicine clients and a shaky marriage to her husband Dr. Zach (Steven Pasquale, The Comey Rule) who has a prestigious job at the CDC miles away in Washington D.C. Meanwhile, Lily is upstairs trying to convince her Wall Street clientele that her very specific skillset is still just as valuable through a video screen as it was in person.

While the digital Advertisement was promoting a series classified MA15+, the two versions of the Advertisement were classified PG by our classification staff.

It was unclear from the complaint details as to whether the Advertisement was viewed during Junior MasterChef Australia or Junior MasterChef USA. Nor which episode or series of the program was viewed.

The programs are primarily viewed by adults on 10 Play. 85% of active users viewing Junior MasterChef Australia from 1 January 2021 to 5 October 2021 were aged eighteen years and above (source: OzTAM ADI & Adobe Analytics, 10 Play AU IP, 01/01/21-05/10/21). For Junior MasterChef USA, 87% of active users viewing the program in the same timeframe were aged eighteen years and above.



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.

The Advertisement did not present or portray violence in a manner which was not justifiable in the context of the product advertised.

The Advertisement did not contain graphic depictions of violence, such as weapons with dripping blood or freshly severed limbs. The Advertisement used rapid scene changes which broke up any sense of threat created in the Advertisement and there was no focus on blood or gore. The Advertisement has a comical, satirical tone.

The advertised product is a comedy/horror series, and the Advertisement contains scenes from the program. Hence the material was contextualised in the Advertisement featuring scenes from the product.

While the advertised product is classified MA15+, the two versions of the Advertisement itself were appropriately classified PG. Under the Guidelines for the Classification of Films 2012, the impact of the classifiable elements for material classified PG should be no higher than mild. Material classified PG may contain material which some children find confusing or upsetting, and may require the guidance of parents or guardians. It is not recommended for viewing by persons under 15 without guidance from parents or guardians. Violence should be mild and infrequent, and be justified by context. The treatment of themes should generally have a low sense of threat or menace and be justified by context.

Junior MasterChef Australia and Junior MasterChef USA are not primarily directed to children and do not attract a substantial audience under 18 years of age. As stated above, 85% - 87% of active users viewing these programs in 2021 were aged 18+. In order to view the programs on 10 Play, users must register for a 10 Play membership and sign-in. 10 Play members must be at least fifteen years old.

Hence, any violence portrayed in the Advertisement was mild in impact, 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 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 the audience. 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 advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant’s concerns that the advertisement is graphic and about a topic which children are worried about.

The Panel viewed the advertisement and noted the 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 advertisement does feature scenes showing apparent deceased/zombie bodies, people being bitten, and people trying to break through a door. The Panel considered that the depiction of such scenes may be considered to be graphic and violent.

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

The Panel noted that the advertisement was promoting a television program that is rated MA15+. The Panel noted that 'The Bite' is a horror-drama-comedy program that contains imagery such as the scenes used in the advertisement.

The Panel noted that the advertisement does depict scenes showing zombies, however noted that the program being advertised is about zombies and their depiction is directly relevant to the program.

The Panel noted that the references to COVID and the depiction of zombies may cause anxiety in children already anxious about the pandemic. However, the Panel considered that the vision and themes are clearly in the context of a fictional movie and were not portrayed as real events.

The Panel did not consider that the advertisement treated COVID issues in an inappropriate or unsafe manner and did not promote behaviour contrary to public health advice.

The Panel considered that the advertisement is highly stylised and does not show any blood or gory imagery. The Panel considered that the violence in the advertisement would be considered by most members of the community to be mild and justifiable in the context of advertising a program rated MA15+.

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.