



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0296/11</b>
<b>2</b>	<b>Advertiser</b>	<b>Crawford Productions Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>Media</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>24/08/2011</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.2 - Violence Other

### DESCRIPTION OF THE ADVERTISEMENT

A male voice over says, "Kidnapped. Nine innocent children and their teacher" and we see a man in a chicken mask holding a gun and herding children and a female teacher in to the back of a transit van.

We then see some scenes from the Fortress movie which include more men in different masks and children screaming.

### THE COMPLAINT

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

*It is upsetting to see the imagery of children being tormented and taken from the safety of their community and having to defend themselves against these cowards in bad masks. And It's on all the time.*

*This ad has been aired at varying times (am and pm) but the reason it first got my attention was the screaming children and the affect it had on my 5 year old daughter (and myself for that matter). It shows masked men with guns and kidnapping these little children who are absolutely terrified. The voice over for the ad at one point says " the message of the day is to KILL or be KILLED" and I thought that was disgusting and I was utterly horrified. Not to mention the amount of times that I have seen this ad can't people who are interested in that kind of violence seek the DVD out themselves rather than forcing that material upon people. I understand that people can make choices about the movies they want to watch however one cannot physically choose the ads that are going to air in the breaks and this is one ad that I*

*strongly detest. Please consider 'upholding' the decision to have this offending advertisement removed from the TV. Many thanks for your time in advance.*

*I first became aware of this ad when my family was watching Crocodile Dundee earlier this year.*

*It was later than my kids' usual bedtime but they really wanted to see this film so we agreed. During the program there was an ad for the DVD Fortress. It showed several men in disguise kidnapping a school teacher and her students from a small school.*

*This terrified my 10 year old son. He wet the bed 2 nights running. He wouldn't go to sleep without his bedroom light being on. He woke us up nightly for weeks because he couldn't sleep. We had to dispose of a toy stuffed monkey because it reminded him of one of the masked men. We finally managed to sort him out and the ad was shown again so it started again but not as severe.*

*I am finally complaining because the ad seems to be shown more and more as time goes on. I think we've seen enough of it. I don't think showing this ad on TV is beneficial to anyone.*

*I'm hoping there is a way that you can help stop this ad being shown on TV again.*

*I am complaining because this is being advertised at a time when my children and many others are watching television and this ad is causing them to have nightmares all the scariest scenes are shown and I think it is not an appropriate time to be screening this ad if at all.*

## **THE ADVERTISER'S RESPONSE**

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

*These commercials have not been broadcast in children's programming at all. One complaint regarding the movie 'Crocodile Dundee' and M rated program with the commercials being broadcast at 2332 hrs and 2346 hrs.*

*The movie Fortress was produced in March 1985 as a feature film and first released theatrically in that same year. In 1986 the movie was released on VHS and classified as M at that time. The movie was further licensed to HBO for US and Canada. CBS Fox for video for the world excluding the US and Canada (since expired) and it was licensed to United Telecasters Sydney (Channel 10) for 5 telecasts over 7 years from November 1987 (expired). In relation to Section 2 of the Advertising Standards Code of Ethics, the advertisements do not fall within this section of the Code due to the fact they are not permitted to be broadcast in children's viewing times. They are for broadcast in times where mature audiences are watching in accordance with the CAD classification.*

*The advertiser removed the commercials from broadcast during the recent school holidays completely despite the classification.*

*The commercials were produced by WIN Network Production.*

## **THE DETERMINATION**

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

The Board noted the complainants' concerns that the advertisement features imagery of children being tormented by armed men and is too violent to be seen by children.

The Board noted Section 2.2 of the Code which requires that 'advertising or marketing communications not use violence unless it is appropriate in the context of the advertised product or service.'

The Board noted the advertisement is for a movie called The Fortress and features a montage of scenes from the movie including masked men kidnapping school children and their teacher and scenes of guns being pointed and fired.

The Board noted that the advertisement has been rated T by CAD which means it may be broadcast from 12 noon until 3pm on schooldays and between 8.30pm and 5am the following day, except on G or PG programs scheduled to start at or continue past 8.30pm. The Board noted that some complainants' children had seen the advertisement during M rated movies or during M rated timeslots.

The Board noted that The Fortress is an M rated movie and considered that the clips shown to advertise the movie were relevant to the product.

The Board agreed that some people would find both the movie and the advertisement unpleasant but the Board determined that the imagery is relevant to the advertised product and not so strong as to be inappropriate for viewing in an M rated timeslot.

The Board determined that the advertisement did not breach Section 2.2 of the Code as it depicts violence which is appropriate to the advertised product.

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