



# Case Report

1	Case Number	0310/16
2	Advertiser	Roadshow Film Distributors Pty Ltd
3	Product	Entertainment
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	27/07/2016
6	DETERMINATION	Dismissed

## ISSUES RAISED

2.3 - Violence Causes alarm and distress

## DESCRIPTION OF THE ADVERTISEMENT

“Lights Out” is a feature film in the horror genre and has received a classification rating from the Classification Board of M (sustained threat, supernatural themes and violence) for theatrical release. There are 5 versions of the television advertisement promoting this movie: 4 are rated M and 1 is rated J. Each version features footage from the movie.

## THE COMPLAINT

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

*My family and I were exposed to horror scenes, audio and inferences that we did not wish to be exposed to. There was a quick and minor warning that flicks up before you can even read it or change the channel. Both the nature of the imagery and audio as well as the time slot are highly inappropriate.*

*The imagery and audio were based on frightening, paranormal, disturbing horror which we were not made aware of in due time nor expected during a family movie timeslot (watching a Star Trek movie).*

*Horror images, allusions and audio should not be forced upon us on public television at all. It is particularly offensive that it was prior to midnight in adult viewing time slots and we*

*weren't sufficiently warned and given time to choose to change the channel.*

*I would like to recommend that ALL HORROR IMAGERY AND AUDIO be completely banned from free television and especially during pre-midnight time slots and without SUFFICIENT warning to act.*

*I did not want to see this content, and wouldn't expect to see it this early on night time free to air TV.*

*There were strong horror scenes, and it was very disturbing.*

## **THE ADVERTISER'S RESPONSE**

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

*There are five TV Spots for the Film, 4 of which have been classified "M" and one which has been classified "J" by CAD for exhibition on free television.*

*The TV spots contain no discriminatory material, exploitative or degrading material, strong or obscene language, nudity, or material contrary to health and safety standards or violence. The TV spots contain supernatural themes which is relevant to the Film being advertised. The TV spots contain, as required, the classification message and consumer advice for the Film which remains on screen for the required 10 seconds. In addition Roadshow has placed a warning message at the start of the TV spots to enable viewers to change the channel or move away. Roadshow has also exercised discretion and care in the placement of the spots: the spots are not broadcast in family programs such as football matches or renovation programs where there is a greater risk of children watching, and are broadcast in programs that commence after [8.30pm on both weekdays and weekends].*

*The TV spots have been placed in accordance with the Free TV code of practice.*

*The television campaign for "Lights Out" also end on Saturday 24th July.*

## **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 complainants' concerns that the advertisements depicts scenes from a horror movie that are disturbing and increase the anxiety levels of those viewing such material on television.

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 advertisements feature scenes from the new movie, 'Lights Out' which is currently airing in cinemas.

The Board noted the advertiser's response that the advertisements contain supernatural themes which are relevant to the film being advertised. The Board also noted that Roadshow has placed a warning message at the start of the advertisements to enable viewers to change the channel or move away.

The Board noted that there are five television spots for the advertisements, four of which have been classified 'M' and one which has been classified 'J' by CAD for exhibition on free television. The Board noted that the advertisements are not broadcast in family programs and are broadcast in programs that commence after 8.30pm on both weekdays and weekends.

The Board noted that the scenes shown through the advertisements highlight the image of a woman that appears when the lights are out. The Board noted the complainants' concern that the scenes increase anxiety levels of those watching, however, considered that the advertisements are suspenseful but any violence was implied, with the emphasis in the advertisements being on what we don't see.

The Board acknowledged that in order to promote a movie the advertiser needs to show some footage of that movie. The Board noted that whilst some of the images used in the advertisement do depict supernatural activity, these scenes are relevant to the movie and are clearly presented in the context of excerpts from the movie. The Board considered that the voiceover and comments throughout the advertisement depict scenes that are part of a story line that are not intended to be considered real. This is in contrast to a recent determination by the Board (Case 0266/16) where:

"The Board considered that declaring the movie as being based on true events means that children would be more likely to view the advertisement as realistic and therefore the scenes depicted could possibly happen to them."

The Board determined 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.