



Case Report

1	Case Number	0314/15
2	Advertiser	Roadshow Film Distributors Pty Ltd
3	Product	Entertainment
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	12/08/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.3 - Violence Causes alarm and distress
- 2.3 - Violence Causes alarm and distress to Children
- 2.3 - Violence Graphic Depictions

DESCRIPTION OF THE ADVERTISEMENT

The advertisement under complaint in a 30 sec TV spot. It begins with kids within a high school playing with a football in the school grounds. It then enters the school where the kids discuss a play; The Gallows, which took place at the school in the years before. The vision then shows the kids breaking in to the school at night where they are in dark corridors and are shown running through the hallways with surprises around each corner they turn.

THE COMPLAINT

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

This ad ran during an M rated movie, Wild Hogs which myself and my children were watching. The nature of this ad is totally unacceptable - representing a movie which obviously is rated for a much more mature audience than the actual TV show we were watching. I have a pre-teenage child who was enjoying the movie until this ad who was quite shocked and frightened by this advertisement. Please move it to a later time slot - totally unacceptable.

This advertisement is graphic, disturbing and distressing. I would never choose to watch a film like this, and would like not to see advertisements of this kind on TV. I think that any

advertisement that repeatedly shows nooses and people hanging is particularly insensitive and intentionally disturbing.

THE ADVERTISER'S RESPONSE

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

This advertisement was CAD rated and we adhered to the provisions of the rating that it received which was a T. We had specifically planned to have all of these spots run post 8.30pm to ensure that this was within adult programming. We understand that this spot had some darker moments but this still fits within the T CAD rating guidelines. This TV spot also clearly displayed the film rating which was an M with provision of supernatural themes and violence. Our campaign is now complete so these spots are no longer running.

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' concern that the advertisement features graphic and disturbing imagery which is not appropriate for children to view.

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 this television advertisement features scenes from an M rated movie, 'The Gallows'.

The Board noted that this advertisement had been rated 'T' by CAD which means it is an 'M' style advertisement for M and MA classified movies. The Board noted the complainant's concern that her children saw the advertisement during an M rated movie and considered that the placement of this 'M' rated advertisement during an 'M' rated timeslot was not inappropriate.

The Board noted the complainant's concerns that the scenes showing a noose and people hanging are not appropriate. The Board noted that in an opening scene of the advertisement we see a noose drawn on a pamphlet pinned to a wall as part of a display. The Board noted that the noose is hanging between two people but considered that in the context of a brief scene showing a noose drawn on a piece of paper as part of a display is not inappropriate. The Board noted that we see an actual noose hanging from wooden gallows in another scene but considered that no-one is shown hanging. The Board considered that the depiction of rope itself is not inappropriate in the context of a brief scene in a movie entitled 'The Gallows'.

The Board noted that in another scene we see a young woman in a dark corridor suddenly fly upwards but considered that no rope is visible and the scene is so fleeting it is not possible to tell why she suddenly moves upwards. The Board noted in a later scene we see some feet dangling in front of a woman but considered that it is not clear what the owner of the feet is doing.

The Board acknowledged that the use of the rope in the advertisement is suggestive of hanging but considered that overall there is no actual depiction of a person hanging and in the context of a promotion for a horror movie the scenes depicted are relevant to the product

advertised and are not inappropriate.

The Board considered that the advertisement did present or portray violence in a manner which is justifiable in the context of the product advertised and 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.