



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0316-19</b>
<b>2. Advertiser :</b>	<b>Roadshow Films</b>
<b>3. Product :</b>	<b>Entertainment</b>
<b>4. Type of Advertisement/Media :</b>	<b>Billboard</b>
<b>5. Date of Determination</b>	<b>9-Oct-2019</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.3 Violence

### DESCRIPTION OF ADVERTISEMENT

This billboard advertisement is for the film "Joker" and features the face of the main character on the left side of the billboard. The main character is wearing face paint similar to a clown.

### THE COMPLAINT

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

*My daughter has been petrified driving past the previous IT sign and today it was replaced with the Joker which is a picture of a very scary clown which she is even more afraid of.*

*We have no choice but to drive 15 minutes out of our way to get onto the freeway which we will be doing from now on if not removed. This kind of advertising should not be allowed in major areas which can scare children.*

*It's too scary for the families who live nearby and stop at this intersection every day*



## **THE ADVERTISER'S RESPONSE**

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

*The outdoor creative contains no discriminatory material, strong or obscene language, nudity, no material contrary to health and safety standards and does not depict violence or contains supernatural themes. The outdoor creative contains an image of The Joker looking front on, he is in character and therefore in full clown make-up - he is the central character of the film being advertised and accordingly the inclusion of him in the creative is unavoidable.*

*The outdoor creative was additionally approved by APN prior to us going to print with the creative.*

## **THE DETERMINATION**

The Ad Standards Community Panel (Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants' concern that the advertisement is frightening for children.

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

The Panel 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 Panel noted the complainants' concerns that the advertisement is frightening for children and is inappropriate for the location it was placed, which is an intersection that receives a lot of traffic.

The Panel noted that the image was of the main character of the film, and was therefore directly related to the product being advertised.

The Panel considered that the advertisement did not depict blood, gore, or any material of a graphic nature or any threat or implication of a violent act.

The Panel noted the Practice Note to the Code states: "The Community Panel has also found that a strong suggestion of menace presents violence in an unacceptable manner and breaches this section of the Code."

The Panel considered that while some people may find the image of the man with a painted face to be alarming, it was not threatening and did not contain a strong suggestion of menace.



The Panel noted it had previously considered an advertisement for IT 2 which depicted a stylised image of a clown's face. In that case:

*“The majority of the Panel considered that in this case, while children may be unaware of the film series or the character, the advertisement depicting a face with yellow eyes, stained and damaged teeth within an unsettling smile and a clear image of blood dripping from its mouth, was excessively menacing. The majority considered that the image selected to represent the main character from the horror movie had a strong implication that the clown had eaten someone, based on the depiction of blood dripping from its mouth.”*

The Panel noted that in the current case, although the man in the image has a painted face it is clear that he is human. The Panel noted that his expression is bland with an almost-smile, he is not depicted in an aggressive or menacing manner.

The Panel acknowledged that some children and others viewing the advertisement on a billboard format may be frightened by the image but considered that image did not constitute a portrayal of violence or menace that would breach community standards and in the Panel's view the image was justifiable in the context of the product advertised and did not breach Section 2.3 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Panel dismissed the complaint.