



Case Report

1	Case Number	0323/16
2	Advertiser	Universal Pictures
3	Product	Entertainment
4	Type of Advertisement / media	Transport
5	Date of Determination	10/08/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.3 - Violence Violence
- 2.3 - Violence Weapons

DESCRIPTION OF THE ADVERTISEMENT

This transport advertisement features an image of the actor, Matt Damon, holding a handgun which is pointed to the side of the viewer. The background is blacked out so that Matt's face and the gun are all you can see. The text reads, "Matt Damon JASON BOURNE in cinemas 28 July 2016".

THE COMPLAINT

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

The advertisement depicted Jason Bourne's face and his arm outstretched holding a handgun. You could not see who he was aiming the gun at but his face was menacing as if he was about to pull the trigger. I object to the depiction of violence and promotion of guns. I also object to its use on a bus as the size of the picture (including the handgun) was significant and could not be easily missed by vulnerable members of our community including children.

THE ADVERTISER'S RESPONSE

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

The below response is in relation to the complaints received regarding the UNIVERSAL PICTURES advertising for JASON BOURNE, specifically in regards to the outdoor bus advertisements depicting violence and the use of guns.

Universal Pictures International Australasia adheres to the AANA Advertiser Code of Ethics.

Section 2.3 of the Code states “Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.”

As the Jason Bourne film is an action film which contains numerous scenes which are in fact violent in nature and contain the use of weapons, it would be reasonable to justify that this is within the context of the product being advertised.

Universal Pictures strive to advertise films of this content in a manner that remains appropriate for all consumers.

Universal Pictures advertise on public buses via APN Outdoor. To ensure due diligence, prior activity going live Universal Pictures contacted APN outdoor to obtain approval on the Jason Bourne artwork. In this instance, APN Outdoor obtained clearance from the Outdoor Media Association (OMA) to display the advertisement as submitted.

The following approval was obtained by Universal Pictures from APN Outdoor:

“As discussed, APN Outdoor have sent the Jason Bourne creative variations attached to the OMA for review. Attached is their response.

Based on this response, APN Outdoor are happy to run the artwork.

It is important to note that there are very fine guidelines on guns and the rules say, that while they can be included in advertisements, they must not be pointed at the viewer or another person, as this constitutes a strong suggestion of menace.

In the past, the OMA has dismissed advertisements that include firearms if they are clearly not directed at the viewer or another person or animal.

Based on this, we are comfortable with approving the Jason Bourne artwork attached but it is important to note, it is a fine line.

In summary, it is our recommendation that you proceed with the artwork.”

The current bus campaign for Jason Bourne featuring the mentioned artwork is expected to be removed from market on the 5th August.

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 advertisement depicts violence and the use of guns.

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 advertisement is for a Jason Bourne film and considered that the character is a well-known identity from the previous films. The Board considered that the advertisement did clearly indicate that it was an advertisement for a film. The Board considered that the Bourne series are action films which contain numerous scenes which are violent in nature and contain the use of weapons, and it would be reasonable to justify that the image of a gun is relevant to the product being advertised.

The Board noted that the gun in the advertisement is not pointed at anyone, including the viewer, and considered that whilst the image of a man holding a gun is an image that is suggestive of violence, there is no portrayal of violence and the image is relevant to the advertised product.

The Board noted that the image appeared on a bus which would mean that the size of the gun would appear bigger to the viewing audience, however, the Board considered that due to the layout it was disembodied from the actor and noted it was not pointing at anyone, whatever perspective it was viewed from.

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.