



**Ad Standards** Community Panel  
PO Box 5110, Braddon ACT 2612  
P (02) 6173 1500 | F (02) 6262 9833

**AdStandards.com.au**

Ad Standards Limited  
ACN 084 452 666

## Case Report

<b>1. Case Number :</b>	<b>0334-19</b>
<b>2. Advertiser :</b>	<b>Universal Pictures</b>
<b>3. Product :</b>	<b>Entertainment</b>
<b>4. Type of Advertisement/Media :</b>	<b>TV - Free to Air</b>
<b>5. Date of Determination</b>	<b>23-Oct-2019</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.3 Violence

### DESCRIPTION OF ADVERTISEMENT

This television advertisement has two versions which contain scenes from the film Scary Stories To Tell In The Dark.

Version One depicts children looking up at a scary house at night; a book; a policeman talking about the book; a boy in a corn field; children running through a school hallway; pages being torn from the book.

Version Two depicts a teenage girl in a school bathroom appearing to be popping a pimple. A close up shows something similar to a spider leg coming out of the pimple. The girl screams as spiders cover her.

### THE COMPLAINT

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

*As this trailer was played before 7pm my children were still awake sitting with us while we watched the news - the ad for the trailer has come on a few times and the scenes are terrifying and disturbing for a young child to watch. My 8 year old daughter has even stated she's too afraid to sleep in her own room after watching it. Although only rated PG+ the footage is incredibly scary for kids to see.*



*Horror content at a time when young children are often awake and in vicinity of the TV. Advertisement for any horror related content should be on after 9pm!*

*This is a scary advertisement which should not be shown in a time a lot where younger children could be watching TV. My six year old daughter was watching The Project with us and was terrified by this advertisement. Surely movies that have a rating of MA+ and higher should only be advertised after 8.30/9pm?!*

*This movie is rated M and was shown during the family television program The Block at approximately 7:49pm. My 10 and 8 year old children were watching the show, before their bedtime of 8pm, when the ad came on. My children are now too scared to go to bed by themselves.*

*Large bugs crawling out of human flesh which was disturbing and revolting as part of the movie trailer*

*It was not an ad that should be played before 8:30pm through school holidays while trying to enjoy watching the masked singer with kids under 11*

#### **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 SCARY STORIES TO TELL IN THE DARK, specifically in regards to the TVC advertisements depicting violence which causes alarm and distress to Children.*

*Universal Pictures International Australasia adhere 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."*

*SCARY STORIES TO TELL IN THE DARK is a horror film which contains numerous scenes which could be scary in nature and suspenseful. It would therefore be reasonable to justify that our advertising materials have been produced 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.*



*All advertising content from Universal Pictures is broadcast on FTA TV once rated by the Commercials Advice Board which is industry compliant with the advertising standards code of conduct.*

*To ensure due diligence, prior to activity going live IMD (on behalf of Universal Pictures) liaises with CAD to obtain approval on the SCARY STORIES TO TELL IN THE DARK TVC spots.*

*Universal Pictures produced a number of TV spots for the SCARY STORIES TO TELL IN THE DARK TV campaign and each spot was classified by CAD - Version 1 received a H rating and Version 2 received an M rating.*

*In this instance, we obtained CAD clearance to display the advertisement according to the guidelines provided for the rating.*

*The following approval was obtained by Universal Pictures from CAD:*

*Horror "H" Definition: The new H placement code does not prescribe what constitutes a 'substantial child audience', rather it will identify to Networks that the TVC is for a movie that has horror or strong violence and Networks will determine appropriate placement, depending on the nature of the programs in which the TVC will run.*

*"M" Definition: Recommended for viewing only by persons 15 and over. May be broadcast during specific hours, except during P and C programs or adjacent to P or C periods:*

*The above CAD guidelines were adhered to and the spot was cleared for broadcast at specific times of the day except in P or C rated programming.*

*Universal Pictures and MediaCom exercised care with the planning and selection of the TV schedule and focused on programming that reaches our intended 16+ audience group.*

*Please also note that all advertising materials for this film have displayed the M logo for the required duration.*

*We apologise for any distress caused and would like to reassure all parties involved that we have adhered to all required standards and the industry code of conduct in relation to the advertising materials and placements for this film. Please let us know if you require any further substantiation.*

## **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' concerns that the advertisement contains frightening scenes that are inappropriate for children to view.

The Panel viewed the advertisement and noted the 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 that the Practice Note for 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 acknowledged that some members of the community would prefer for horror movies not to be advertised at a time when children are likely to see it, however considered that this product is legally able to be advertised in a public space and was played at times consistent with its rating.

The Panel noted that Version One of the advertisement had received a 'H' rating from ClearAds, meaning that "Care should be exercised when placing the TVC in programs likely to attract a substantial child audience. The new H placement code does not prescribe what constitutes a 'substantial child audience', rather it will identify to Networks that the TVC is for a movie that has horror or strong violence and Networks will determine appropriate placement, depending on the nature of the programs in which the TVC will run."

The Panel noted that Version Two of the advertisement had received an 'M' rating from ClearAds, meaning that it "May be broadcast during the following hours, except during P and C programs or adjacent to P or C periods: Weekdays ( schooldays): 7.30pm – 6.00am and 12 noon - 3.00pm (see Note 1). Public Holidays, weekdays (school holidays) & Weekends: 7.30pm – 6.00am. In addition to the time restrictions, a Commercial classified "M" must NOT be shown: Between 5.00 am – 6.00 am and 7.30 pm - 8.30 pm during a Sports Program, or a Program classified G or PG; and Before 9.30 pm during Sports Programs and Films classified G or PG which commence before 8.30 pm and continue after 8.30 pm (unless it is a Film which is neither promoted to Children nor likely to attract a substantial Child audience)."

The Panel considered Version One of the advertisement.

The Panel noted that the scenes were fleeting and that there was no blood or gore in this version of the advertisement. The Panel considered that most scenes in this version of the advertisement would be considered suspenseful, rather than violent. The Panel considered the music, sound effects and dialogue added to the suspenseful tone of the advertisement.



Overall, the Panel's considered that the tone of this version of the advertisement was suspenseful and frightening, however did not contain overt violence. The Panel considered that the level of menace was not excessive in the context of an advertisement for a horror movie. In the Panel's view the menace portrayed in Version One of the advertisement was justifiable in the context of the product advertised and did not breach Section 2.3 of the Code.

The Panel considered Version Two of the advertisement.

The Panel considered that the scene in the advertisement depicting a spider leg coming out of the woman's cheek was gross and distasteful, rather than violent. The Panel considered that this imagery could be alarming to some viewers, however considered that the depiction of a distasteful scene from the movie was justifiable in the context of an M-rated advertisement for a horror movie 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 complaints.