



Ad Standards Community Panel
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Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0335/18
2	Advertiser	Arts Centre Melbourne
3	Product	Entertainment
4	Type of Advertisement / media	TV - On Demand
5	Date of Determination	08/08/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Violence Causes alarm and distress to Children

DESCRIPTION OF THE ADVERTISEMENT

This TV on demand advertisement is a 30 second video promoting the Melbourne season of the theatrical production of 'Horror'. The advertisement begins with a woman next to a bathtub covered in blood, and continues to show scenes from the play, along with quotes from reviews in text.

THE COMPLAINT

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

My objection is to the "screening time" or the accessibility of the ad. I was watching a show called "Wrapped 2.0" with my two young children. The show is about the manufacture of sweets so is essentially a children's show. This graphic ad show shouldn't haven't have run during this show.

The graphic detail of violence is not suitable and scary for children



THE ADVERTISER'S RESPONSE

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

Complaint reference number: 0335/18

I refer to the letter dated 18 July 2018 in relation to complaints received by Ad Standards about Arts Centre Melbourne's advertisement (Advertisement) for the theatrical production "Horror" (Production) on SBS On Demand (Complaints).

In particular, the Complaints relate to the screening of the Advertisement during what was perceived to be children's programming.

You have asked us to respond to the Complaints in light of section 2 of the Advertiser Code of Ethics (Code).

Background

The Production is a theatrical stage show by Jakob Ahlbom. It is a highly visual stage production that pays homage to the horror movie genre. The Production features physical theatre and is technically complex.

Arts Centre Melbourne purchases fully rehearsed stage productions and presents them at its venues. The Production is not produced by Arts Centre Melbourne and is not exclusive to Arts Centre Melbourne. The Production has toured internationally and will tour throughout Australia in 2018.

The Advertisement was provided to us by the Presenter as part of stock marketing material, and will be used in multiple markets by Jakob Ahlbom and various touring venues.

The Code

Sections 2.1, 2.2, 2.5 and 2.7 of the Code are not applicable to the Advertisement.

In relation to sections 2.3, 2.4 and 2.6 of the Code, we consider that the material depicted was reasonably required to explain the creative product being advertised to the intended audience.

Our instructions to our media buyer was to air the advertisement using our nominated buy line of "Arts Interest".

In addition, the Advertisement states that the Production is recommended for a



mature audience, with a 15+ suitability statement included in the Advertisement. The Advertisement was intended to be marketed to that audience, which is appropriate given the nature of the Production.

We understand that the Complaints originated from individuals using their smart devices to view the SBS On Demand service. SBS On Demand requires users to create an account and sign in before they are able to view content. When a user creates an account, they are asked to provide their “Year of Birth”, which indicates to SBS On Demand whether or not the user is an adult, and what kind of advertising content should be targeted to them.

We also understand that the complainants’ devices, which were being used to view SBS On Demand at the time, were connected to accounts registered to “adult users”. However, the users allowed their accounts to be accessed by children. As a result, the Advertisement, which was intended for a mature audience, was allowed to be viewed by children.

Nevertheless, we consider that the material depicted was justifiable in the context of the Production being advertised. The nature of the staged violence was not gratuitous and was appropriate to indicate the genre and the nature of the Production, and was an inherent element of the creative product. There are also a number of aspects of the Advertisement that clearly indicate that this is a staged work of a particular genre, which features elements of physical theatre and technical complexity, such as extracts from reviews of previous performances of the Production, and the music, which makes the horror genre instantly recognisable. We consider that the Advertisement only presents or portrays violence to the extent that it is justifiable in the context of Production being advertised.

Section 3 of the Code and the Children’s Advertising Code do not apply to the Advertisement as the Advertisement was intended to market a Production for mature audiences, and was entirely appropriate for this audience. It was not intended to market children’s products to children.

Next steps

We have instructed our media buyer to work with SBS On Demand to ensure that any children’s programming is negatively targeted, as well as imposing the following additional restrictions:

- Time Zone limits: the Advertisement will only be shown between the hours of 8pm to 5am

- Children’s/Family Programs excluded including Batman, Unwrapped and Bugsy Malone



- Applied key-value classification targeting, which should mean that the Advertisement only appears on shows tagged as being MA15+

Please do not hesitate to contact the writer should you have any questions.

THE DETERMINATION

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

The Panel noted the complainants’ concerns that the advertisement depicts material which is inappropriate for viewing by children.

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 the complainant’s concern that the advertisement was frightening and not suitable for viewing by children.

The Panel noted that the complainants in this case viewed the advertisement while watching Unwrapped 2.0 and Batman respectively and that the classification of those programs was G and PG respectively. The Panel noted that TV-On-Demand does not have the same rules as Free-to-Air TV in regards to advertisement classification, but considered that the Code still requires the Panel to consider the audience to which the advertisement is broadcast.

The Panel noted the advertiser’s response that the material depicted in the advertisement was relevant to the product and was appropriate to indicate the genre and the nature of the product.

The minority of the Panel considered that the advertisement was overly menacing and featured a scene showing blood and a scene where a woman is chased by a man with an axe. The minority considered that the imagery was inappropriate for an audience that may include children.

However, the majority of the Panel considered that the advertisement is relevant to the product of a horror stage show. The majority considered the advertisement is clearly stylised, and scenes are fleeting. The majority noted that the sound of the advertisement may be unnerving, but that that does not necessarily constitute



unjustifiable violence.

The Panel determined that the imagery in the advertisement did not present violence that is beyond what is justifiable in the context of the product being 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 complaints.

