



## Case Report

1	Case Number	0357/15
2	Advertiser	Stan
3	Product	Entertainment
4	Type of Advertisement / media	Print
5	Date of Determination	23/09/2015
6	DETERMINATION	Dismissed

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

This is an advertisement to promote a "Zom-Com" TV Show called iZombie on Stan. It features a woman with blood on both hands and a brain on top of an ice-cream cone. Details of the program are underneath the image.

### THE COMPLAINT

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

*I believe that the placement of this advertisement with its high visibility (taking the entire back page), graphic depiction of horror featuring an amused blood splattered women holding an organ is inappropriate and terrifying for most children who would very easily be exposed to this image by the nature of its size and placement. The nature of the graphics imply something very dark and disturbing has occurred to the enjoyment of the perpetrator. Granted, newspapers are not necessarily for children's consumption but the placement of this advertisement means that it is highly likely young, impressionable minds were exposed to it. The caption "it's funny and smart" further deepens the disturbing element of the image. I don't believe children should be so easily exposed to this kind of imagery.*

### THE ADVERTISER'S RESPONSE

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

*We refer to your letter to Stan Entertainment dated 1 September 2015, enclosing a complaint made to the Bureau in relation to the advertisement identified in this response (“Advertisement”).*

*In our view, the Advertisement complies in all relevant respects with the AANA Code of Ethics (“Code”), and is in step with Prevailing Community Standards, including as detailed in the AANA’s Practice Note to the Code.*

*The Advertisement is part of a Stan marketing campaign for first-run, SVOD-exclusive and high profile television programs available on the platform. The program to which the Advertisement relates, iZombie, is an American “zom-com” produced by Warner Brothers/DC Entertainment for the CW Network in the US and acquired by Stan for Australian exhibition.*

*The creative adopts a playful tone, juxtaposing the highly stylised visceral elements with the good looks and knowing smile of the unlikely protagonist, a smart, self-aware zombie played by Rose McIver.*

*iZombie is a quirky comedy with a fresh, humorous take on the zombie zeitgeist. The Advertisement is effective in conveying the unique tone and style of the show, which is critical in order to promote new content in the current market for entertainment services in Australia. Stan has made a substantial investment in bringing the program to Australian audiences on a first-run basis, and the program is permitted to be exhibited on the platform in accordance with classification regulations. It would be an illogical and concerning result if networks and platforms were prohibited from advertising legitimate programming on its merits. The Advertisement itself also complies with relevant classification regulations.*

*Without limiting our response to the specific issues raised in the complaint, we address in turn below each of the elements of Section 2 of the Code.*

*Section 2.1: Discrimination or vilification*

*The Advertisement does not discriminate against or vilify a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.*

*Section 2.2: Exploitative and degrading*

*The Advertisement does not attempt to employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.*

*Section 2.3: Violence*

*The Advertisement, while adopting a heightened, visceral style, does not depict violence. The visceral elements of the imagery are highly stylised and used in a clear, darkly humorous context – pointedly illustrated in the irony of the brain/ice cream cone image.*

*The creative is reflective of the tone of the show, which follows a young medical student who uses her newly-discovered zombie attributes to assist the police in bringing criminals to justice, secretly (and non-violently) satiating her undead appetite on the medical cadavers to which she has access. The show blends genre stylings with comedic sensibilities and forensic procedural storylines for a fresh and accessible 18-24 female-skewing show.*

*The Advertisement, while arresting, is the most effective way to convey the unique tone and style of the show. The promotion of key programming on its merits is critical to the success of Stan in a highly competitive market for entertainment services.*

*Section 2.4: Sex, sexuality and nudity*

*There is no sex or nudity in the Advertisement.*

*Section 2.5: Language*

*The advertisement does not feature inappropriate, strong or obscene language.*

#### *Section 2.6: Health and safety*

*The Advertisement does not depict material contrary to Prevailing Community Standards on health and safety, as detailed in the Board's determination summary on "Health and Safety in Advertising." The stylised depiction of a brain and blood in the creative is a hyper-real visual contextualised by the darkly humorous tone of the Advertisement. Given the heightened and ironic nature of the imagery, the Advertisement cannot be said to promote unsafe behaviour.*

*While the content of the image is arresting (and is intended to be so), it has been designed with Prevailing Community Standards in mind. An assessment of public standards must take into account cultural trends. Contemporary audiences, and young audiences in particular, have responded resoundingly in recent years to darker tones and styles in entertainment, and programs and movies involving zombies, vampires, other mythical creatures and apocalyptic scenarios have proven some of the most popular entertainments of the last decade; cf. The Walking Dead, True Blood, Teen Wolf.*

#### *Conclusion*

*For the reasons set out above, in our view the Advertisement complies in all relevant respects with the Code, and the complaints should be set aside.*

## **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 the advertisement features a zombie-looking woman with blood on both hands and a stylised 'brain' on top of an ice-cream cone. Details of the program are underneath the image.

The Board noted the complainant's concern that her children saw the advertisement on the back page of 'The Age' newspaper and that the size and graphic nature of the image was not appropriate for viewing by children.

The Board noted the advertisement is for a program called iZombie which is about a female Zombie character who assists police with criminal investigations. The Board noted that the image is highly stylised and relevant to the program it is advertising.

The Board noted that this advertisement was displayed on the back page of a newspaper and agreed that although a newspaper is not necessarily a medium that appeals to children, the size of the image and accessibility on the back page meant that it could easily be viewed by children.

The Board noted that it had considered an image for the program Dexter which included the character holding a knife with blood splattered around (0457/11). In that case the Board considered that "...the knife is very discreet and the fact that Dexter is smiling makes the image not menacing. The Board noted that the blood splattered on the wall implies violence but that the knife Dexter is holding is not bloodied and that there is no indication as to how the blood got on the wall or who the violence was directed at."

Similar to the case mentioned above, the Board considered that in the current advertisement for iZombie, the character is depicted as holding an ice-cream cone with a brain on top and that there is no indication of how the brain got there or an actual depiction of a violent scene. The Board agreed that in the context of a program about Zombies, most reasonable members of the community would understand the fictitious nature of the program and the unrealistic depiction of the brain being represented as an ice-cream.

The Board agreed that some people would find the image unpleasant and mildly alarming but the majority of the Board determined that the image is relevant to the advertised product and not so strong as to be inappropriate for general viewing.

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.