



Case Report

1	Case Number	0358/13
2	Advertiser	Planet Video
3	Product	Retail
4	Type of Advertisement / media	Print
5	Date of Determination	23/10/2013
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The ad was run as a full page in the West Australian, Seven Days magazine on page 35 (28/9/13) and a full page in "The Wire" section of "The West Australian" (26/9/13). The ad depicts two girls in the aisle of a video library wearing matching outfits, holding hands and have bloodstains on their clothing and blood on their faces and arms. The caption above them reads "You see it all at Planet Video"

THE COMPLAINT

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

*I am very very concerned at the effect this awful picture would have on any young people in what is a family magazine.
We should not be subjected to such images when opening our weekly TV guide.*

THE ADVERTISER'S RESPONSE

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

Planet Video has for decades been a video library specialising in cult, classic, festival and horror films. The image used in the advertisement was a reproduction of a famous scene from Stanley Kubrick's 1980 horror film "The Shining" and is typical of the type of film people come to our store to see. The two young women in the ad are dressed as the Grady sisters from "The Shining", an iconic image that is recognisable by many people with an avid interest in film.

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 complainant's concerns that the advertisement features graphic depictions that are inappropriate for viewing by children and are violent and frightening.

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 features an image two young girls holding hands and standing in the aisle of a video store. The girls have a large amount of blood around their middle section and have blood splattered over their bodies. The words on the top of the image read "You see it all at Planet Video." The Board noted that the photo is an iconic image from the 1980's movie 'the Shining.'

The Board noted that the advertisement appeared as a full page in the West Australian, and also in the weekend Seven Days magazine. The Board noted that this lift-out includes the television guide and considered that many families would utilise this guide for their weekly viewing schedule.

The Board noted that the advertisement is a promotion for a DVD, Music, Video and Book store that specialises in popular cult, classic, festival movies and documentaries.

The Board noted that the image does not portray a violent act being carried out and that there are no other characters featured in the image. The Board considered that the amount of blood and the location of the blood over the girl's bodies was an indication that something violent had taken place.

A minority of the Board considered that the Planet Video store was well known to the

community for the style of videos and movies that it keeps and that in connection with the promotion of the store, the image itself was iconic and immediately recognisable to people who would be likely to purchase or hire from the store. The minority considered that this was relevant to the video store being advertised.

The majority of the Board considered that the advertisement did have relevance to the material that may be available from the store being advertised and agreed that people in the area would be likely to be familiar with the store and the types of movies available there. The majority of the Board considered however, that people seeing the image in the guide would not necessarily be familiar with the movie that the image is derived from and that the depiction itself is graphic in nature and likely to frighten young children. The majority of the Board also noted that violent films would not be the only type of movie that the store would stock.

The Board considered that the image, when presented as a print advertisement in a television guide or in proximity to children's cartoons in a paper likely to cause a level of alarm to children and that other readers would not necessarily be expecting to come across graphic images such as this.

The Board considered that the image was relevant in part to the promotion for a video store – noting that violent films would not be the only genre of films in stock. The Board considered that the image was partially relevant to the shop promoted and that the image was a portrayal of a violent act involving children. The majority of the Board considered that as the image was only partly relevant the advertisement did not justify the inclusion of strong graphic material that would be likely to alarm some viewers.

The Board considered that the advertisement did include images of a violent nature and that it did breach Section 2.3 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board upheld the complaints.

ADVERTISER RESPONSE TO DETERMINATION

We are currently in the process of modifying the advertisement to a "fake blood free" version that will be used exclusively for family friendly publications.

