



Case Report

1	Case Number	0375/16
2	Advertiser	Sony Pictures Releasing Pty Ltd
3	Product	Entertainment
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	14/09/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The TVC called 'Fight Back' shows elements of the story for the movie THE SHALLOWS. It shows a woman, played by Blake Lively, on a beach talking to her sister on her phone about finding "Mum's beach". We next see her surfing and then knocked off her board by a shark. She swims to a rock and is seen stranded on it from afar. We see a shark fin as she falls off a buoy, she defends herself as it passes by and it swims by her, just missing her leg as she swims underwater. The TVC carries the Title of the film, release date, M classification and consumer advice for the full duration of the spot.

THE COMPLAINT

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

This advert is being played throughout the day my 4 year old son was found crying after seeing it.

He is now scared to go to his swimming lessons as he may be eaten by sharks.

Please ensure that this promotion for a disturbing horror film about graphic shark attacks is not played whilst small children can be accidentally exposed to it.

This is horrible! Completely unacceptable! movie adverts should not be allowed until after 10pm on Friday Saturday nights as this is the weekend! And kids do stay up later. Don't have children's movies on if the adverts are going to be for older ppl!

How is this appropriate during a children's movie?? Disgraceful...

THE ADVERTISER'S RESPONSE

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

We have reviewed the notice of complaints regarding the advertising of our film THE SHALLOWS, which was released in cinemas nationally on August 18, 2016. The TV advertising campaign commenced on August 31, 2016 and completed on August 27, 2016.

All TVC's were submitted to CAD for rating before they were delivered to the TV stations, as no TVC's can be aired without a confirmed CAD advice. The TVC was delivered to networks with the confirmed film rating advice with instructions to use only during programs and timeslots appropriate for the CAD rating.

We received the following rating from CAD for the 15 second 'Fight Back TVC on Wednesday August 3, 2016. CAD Rating: J3HLIEPE

The CAD guidelines state that TVCs rated as 'J' are suitable for PG rated programs and "may be broadcast at any time except during P and C (Children's) programs or adjacent to a P and C periods".

All free-to-air networks have confirmed the appropriate CAD rated spots aired in the appropriate programs and time of day for the entire duration of the TV advertising campaign.

In specific relation to the days and programs referenced in the complaints, Channel 9 have confirmed the 'J' CAD rated spot 'Fight Back' aired during 'The Wizard of Oz' on August 19 after 7pm and between 1-5pm on Wednesday July 24, all of which adhere to the CAD guidelines.

The TV advertisement for THE SHALLOWS does not breach any part of Section 2 of the AANA Code of Ethics. It does not discriminate, exploit or degrade any individual. It does not present or portray violence out of context or use obscene language and it doesn't depict material contrary to Prevailing Community Standards on health and safety.

In regards to the specific part of Section 2 (2.3) identified in the complaint, under no circumstances did we intentionally target children as part of our TV campaign. As stated above, all TVCs ran in the appropriate programs and timeslots as per CAD guidelines.

As television is a broad medium, we are unable to determine what programs children are viewing as each household varies. Our due diligence ensures we would not intentionally target children with our advertising campaign for a film of this genre, and we have complied with the broadcasting standards and guidelines for our advertising campaign.

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 advertisements depicts a shark attacking a woman which causes alarm and distress to viewers and 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 that the advertisements feature scenes from the new movie, ‘The Shallows’ where a female surfer is attacked by a shark which she subsequently tries to kill.

The Board noted the advertiser’s response that the advertisement contains content from the movie and that as this movie is rated ‘M’ care was taken to ensure the placement of the advertisement minimised the likelihood of children seeing the advertisement.

The Board noted that the advertisement itself had been rated ‘J’ by CAD and that the television networks had confirmed that the advertisement had been aired in accordance with this rating, which is the equivalent of ‘PG’ and cannot be broadcast during or adjacent to Preschool and Children’s programs.

The Board noted that the scenes shown through the advertisements highlight the interaction between the woman and the shark and considered that the scenes showing the shark attacking the woman, and then the woman attempting to attack the shark, do portray a level of violence.

The Board acknowledged that in order to promote a movie the advertiser needs to show some footage of that movie and considered that while some of the images used in the advertisement could cause alarm and distress to those viewers who dislike sharks and/or suspense movies, in the Board’s view the level of violence portrayed is not inappropriate in the context of a movie promotion.

The Board considered that the advertisement did present or portray violence in a manner which is justifiable in the context of the advertised product 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.

