



Case Report

1	Case Number	0383/17
2	Advertiser	Sony Pictures Releasing Pty Ltd
3	Product	Entertainment
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	13/09/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The 15 second TV commercial called 'THEIR WAR' is a TV advertisement for the movie THE DARK TOWER, which released in cinemas nationally August 17, 2017. It is an action/fantasy film starring Idris Elba and Matthew McConaughey. It sets up the premise of the film which is about an ancient vendetta that spans across parallel worlds, including Earth. The TVC displays the title of the film, release date and the M classification (no age restrictions) and consumer advice.

THE COMPLAINT

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

The Dark Tower movie advert is very menacing with elements of horror images. I have seen it advertised on Channel 10 several times over the past few weeks while I have been watching benign/non-violent programs with my children, aged 8, 5 and 1. Tonight the advert was placed at exactly 7pm as we were watching The Project during our dinner. As the advert has been placed so many times between 7 and 8pm over recent weeks my children knew immediately to look away from the "scary" (I would say - horrific) content of the ad. Over the past week I also noticed the ad during The Bachelor - my 8 year old and I were watching together when the graphic horror images once again flashed across our screen. I've also noticed the ad comes on at the end of Survivor with no warning - it is disturbing for young children. Survivor is a program we enjoy watching as a family. I have made a complaint re

this exact issue a few weeks ago to Channel 10 directly and received no contact from them re that complaint. I am so sick of seeing this inappropriate advert flashing across my screen while my children are watching - it's the stuff of nightmares right on their bedtime and I'm sick of it! Thank you for listening.

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 complaint regarding the advertising of the film THE DARK TOWER, which was released in cinemas nationally on August 17, 2017.

All TVCs were submitted to CAD for rating before being delivered to the TV stations, as per regulation. The TVC was delivered to networks with the confirmed film rating advice with instructions to use during programs and timeslots appropriate for the CAD rating.

We received the following rating from CAD for the 15 second TVC 'Their War' on August 7, 2017.

*TVC Name: Their War 15
Key Number: SPRTDTN152
CAD Rating: J53A7EPE
CAD Reference no: 1186155*

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".

Network Ten have confirmed the TV commercial in question, 'Their War' aired during The Project on August 17, 2017 at 7.03pm which is a PG rated program, and therefore adheres to the CAD guidelines.

The TV advertisement in question for THE DARK TOWER 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 employ sexual appeal that is exploitative, 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, the TV commercial does not portray violence out of context to the M rated (un-restricted) movie being advertised.

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 depicts material from a

horror movie which is frightening and 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 this television advertisement promoting a new movie, 'The Dark Tower', features scenes from the movie which include a man using a gun on an unseen target, explosions, and scenes of devastation.

The Board noted that the advertisement had been rated J by CAD. The Board noted that the classification is based on the rating of the content of the advertisement and not the rating of the movie being promoted. The Board noted Free TV's Placement Code (http://www.freetv.com.au/content_common/pg-cad-placement-codes.seo) which provides that J-rated advertisements: "May be broadcast at any time of the day, except during P and C [Preschool and Children's] programs or adjacent to P or C periods. Exercise care when placing in programs principally directed to children."

The Board noted the complainant had viewed the advertisement at 7pm during The Project, a PG rated program, and considered that the advertisement had been aired appropriately with regards to its classification.

The Board noted it had previously dismissed similar complaints about a J-rated television advertisement promoting a horror-style movie in case 0427/16 where:

"The Board noted that both versions of the advertisement contain scenes from the Blair Witch movie and considered that while there is a suggestion of suspense and fear, in the Board's view the actual content does not depict scenes of violence or horror.

The Board acknowledged that some members of the community would prefer that this type of movie not be advertised, especially at times when children can view them, but considered that in the context of a horror movie the actual content of the advertisement is relatively mild.

The Board noted that the rating of the advertisement means it would likely be viewed by children but considered that the content of the advertisement, although suspenseful, was not inappropriate for a broad audience and in the Board's view the content is justifiable in the context of promoting a movie in the horror genre."

The Board noted the content of the current advertisement and considered that whilst the voiceover and the dramatic background music lends a strong element of suspense, in the Board's view the montage of scenes and the final statement announcing that this movie is 'in cinemas now' makes it clear it is a movie being promoted which in the Board's view lessens the impact of the images used. The Board noted that a gun can be seen in some of the scenes but considered that it is not shown to be used to fire at a person and overall the actual level of violence is relatively mild in the context of the type of movie promoted.

The Board considered that consistent with previous determinations for similar advertisements, (0448/14, 0211/15, 0427/16, 0310/16) the images in the advertisement are clearly presented

in the context of excerpts from a movie and are not so violent as to be inappropriate for a broad audience which would include supervised children.

The Board 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 complaint.