



Case Report

1	Case Number	0385/15
2	Advertiser	Universal Pictures
3	Product	Entertainment
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	14/10/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Violence Causes alarm and distress

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement is promoting the forthcoming movie, The Visit, and features scenes from the movie. A voiceover says, "We're visiting our grandparents for the first time" and we see a girl in a kitchen being asked by her grandmother if she would mind getting inside the oven to clean it.

THE COMPLAINT

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

The advertisement included graphic and nightmarish images that continued through the course of the advertisement. As thrillers do the intention is to shock and scare the viewer. This is fine however NOT at 7:20 when I am trying to settle my 14 month old child with a bottle. Why should he be subject to those frightening images at a time when most families around Australia share their lounge rooms. It is unacceptable that movies rated for adult viewing only, can be advertised with graphical portions of the 'adult only content' during ad breaks for TV shows rated for family viewing. There is no way that a parent can control viewing if this occurs and therefore what is the purpose of the content rating. It simply serves no purpose and is damaging to our youth!

THE ADVERTISER'S RESPONSE

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

As requested, we have reviewed the Advertisement and provide our response below to the complaint with reference to section 2 of the AANA Code of Ethics:

2.1 Advertising or Marketing Communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.

Nothing in the Advertisement can objectively be said to constitute or is intended to constitute discrimination or vilification against a person or section of the community on account of the abovementioned bases or otherwise.

2.2 Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.

The Advertisement does not in any way employ sexual appeal including in a manner that is said to be exploitative or degrading.

2.3 Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

The Advertisement does not at any stage depict violence or the consequences of violence. To the extent the Advertisement contains excerpts from the film which may be taken to allude to the prospect of violence (which is denied), such excerpts are minimal and justifiable in the context of an advertisement for a thriller movie.

2.4 Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

The Advertisement does not contain any material relating to sex, sexuality or nudity or sexualised imagery of any kind.

2.5 Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided.

The Advertisement does not contain any strong or obscene language (represented verbally or non-verbally) and at all times employs language appropriate in the circumstances.

This is supported by the fact that the Advertisement was given a “J” class rating by CAD and was broadcast by Network Ten in compliance with the requirements of that rating (see Annexure 2).

2.6 Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

The Advertisement does not depict material which could be considered contrary to "Prevailing Community Standards" on health and safety.

We note that broadcast of the Advertisement (in accordance with CAD's classification) complied with the Commercial Television Industry Code of Practice.

Further, the Advertisement was broadcast during 'The Project' - a current affairs program which attracts a predominantly adult audience.

In view of the above and that broadcast of the Advertisement complied at all times with CAD requirements, we submit that no breach of the AANA Code of Ethics has occurred.

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 includes graphic and nightmarish images and is not appropriate for family viewing.

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 this television advertisement promoting the movie, "The Visit" features scenes from the movie including a woman asking her granddaughter if she would mind getting inside the oven to clean it.

The Board noted that this advertisement had been rated 'J' by CAD which means a PG style advertisement for a PG, M or MA Classified movie which must not be broadcast between 4pm and 7pm on weekdays. The Board noted that the advertisement was viewed at 7.20pm on a Monday evening and considered that this placement is in keeping with the CAD requirements.

The Board noted the complainant's concerns that the advertisement contains graphic and nightmarish images. The Board noted that whilst the backing music is consistent with the type of music traditionally used to promote horror/scary movies, the Board considered that the visual content includes an image of a house, a family gathering and a grandmother speaking to her granddaughter and placing her hand on hers. The Board considered that the advertisement does not depict horror or gore or anything which a reasonable member of the community would find graphic or nightmarish.

The Board noted that the wording of the complaint and the actual content of the advertisement seem to be different but considered that the advertiser had confirmed that this

version of the advertisement was aired at the time stated by the complainant.

The Board acknowledged that some members of the community would prefer that this type of movie not be promoted on television but considered that the advertisement itself is very mild in the context of a horror movie.

Consistent with previous determinations in cases 0192/15, 0211/15 and 0314/15, the Board considered in this instance that the advertisement did not present or portray violence.

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.