



Case Report

1	Case Number	0386/16
2	Advertiser	Live Nation Australia
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

DESCRIPTION OF THE ADVERTISEMENT

This 15 second television advertisement is promoting the October concert tour for American band Slipknot. There are images featured of the band performing live on stage under a music bed and voiceover describing tour dates and details: Monday October 31st at Rod Laver Arena.

THE COMPLAINT

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

I was offended by the advertisement because of the time that it was aired. I was watching television on a Sunday afternoon with my two children aged 6 and 4 and would not have expected to have to censor their viewing at this time of day. If I saw the ad after 8pm I would have no objection. This ad is absolutely inappropriate for this time of day. I am horrified that my children were exposed to these images.

THE ADVERTISER'S RESPONSE

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

The Slipknot TVC CAD came through as PG and all programming was booked according to the PG classification. I can confirm the show in question was called Human Planet, the classification for that show is PG (confirmed by the network). Careful consideration was taken while we were editing the advert also. The editors were advised to use the least heavy song choice with no lewd lyrics or offensive images. We sought a pre-approval from CAD and we had it re-edited to ensure we received the PG rating. This is the final rating CAD gave the TVC.

With regard to the issue raised around 2.3 of the AANA Advertiser Code of Ethics, as the TVC was given a PG CAD rating, any and all activity was booked and run through programming rated PG or above.

The complaint raised the issue of violence causing alarm and distress to children. Whilst the costumes of the band Slipknot may be challenging to some viewers, there is no violence present in the TV commercial.

As outlined previously, careful consideration was given to the editing of the advert. The campaign implemented consisted of 10 spot placements on the Channel 9 network in Melbourne, 9 of the 10 spots aired after 7.30pm. The spot in question went to air in a PG rated program in an off peak period.

As you can see from the attached commercial, in addition to no violence being present in the TVC, there is no presence of anything relating to any of the other parts of section 2, ie no presence of discrimination or vilification, nothing exploitative or degrading, no sex, sexuality or nudity, no bad or offensive language or any health and safety breaches.

As such, we respectfully request this complaint not be upheld.

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 scary and offensive images which are 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 tour by the band, Slipknot, features images of the band performing on stage as well as information on their forthcoming tour date.

The Board noted the advertiser’s response that Slipknot band members are renowned for their appearance and the manner in which they are presented in the advertisement is consistent

with how they would normally appear. The Board noted that the band members are performers clearly wearing make-up and considered that they are shown performing on stage as part of a band and in the Board's view they appear theatrical rather than scary.

The Board noted the complainant's concern that the advertisement was aired at 4.30 on a Sunday afternoon and was seen by their young children. The Board noted the advertisement had been rated PG by CAD which means it can be aired at any time of the day except during, or adjacent to, Preschool and Children's program, and that the advertiser had confirmed that the program in which the advertisement was viewed by the complainant was Human Planet, a PG-rated program aired during a PG timeslot.

The Board acknowledged that some members of the community would find this type of appearance to be scary but considered that in the context of a band performing their songs on a stage in a clear promotion of a music tour the impact of the band members' appearances is reduced and is not inappropriate for a PG rated advertisement.

The Board considered that the advertisement did not present or portray violence 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 complaint.