



Case Report

1	Case Number	0413/11
2	Advertiser	Paramount Pictures Australia
3	Product	Entertainment
4	Type of Advertisement / media	TV
5	Date of Determination	9/11/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety within prevailing Community Standards
2.2 - Violence Other

DESCRIPTION OF THE ADVERTISEMENT

Various scenes of the parents and children within the home, in the bedroom, bathroom and hallway with different scary things happening such as silhouettes of people in the room. In one scene, the young girls say "bloody Mary 3 times"

THE COMPLAINT

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

Seeing this advertisement has caused me great distress and I do not think that I should have to be made to feel that way. Unlike audiences who of their own volition choose to pay to see the film advertised at the cinema and are therefore prepared for its content I have not chosen to watch that advertisement I am at the mercy of the advertisers and the network.

I would accept that if I were watching a television show such as Supernatural that an advertisement such as the one for Paranormal Activity 3 may be aired during the ad breaks. The trailer for the new movie Paranormal Activity 3 is totally inappropriate. I am 44yo old and do not watch these types of movies at all. The trailer was practically thrown in my face and it wasn't until half way through that I realised it was a movie trailer.

The reason why I am writing to complain is not because of the effect on me but the effect it has had on my 15yo son. He had been watching Castle on Channel 7 on Sunday night and the trailer came on. My son had a Night Terror (NT) that same night and I put it down to viewing the trailer. He has not had a NT for many years!!!

It scares me. And there was no warnings regarding the content of the ad. I believe it is highly inappropriate to show images that depict someone being hung and children being attacked. There are other ways they can advertise their movie. Movies such as paranormal activity are not for everyone - it is a personal and deliberate choice as to whether you watch these movies. I don't appreciate them being sprung on me in my living room when I am not prepared for the images.

THE ADVERTISER'S RESPONSE

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

There have been 5 different commercial executions running between 09/10/11 – 29/1/11, including both 30s and 15s commercials. The film has received an 'M' rating. Prior to receiving the confirmation of this rating the ads carried the "Check the Classification" logo as required by CAD. The 'M' classification was received on 18/10/11 from the Australian Classification Board. Upon receipt of the classification advice, the ads were revised to carry the new classification messaging – this was on air by 23/10/11. All commercials received a 'T' classification from CAD. This restricts placement of ads before 8:30pm and after 5:00am on any day, and also in G & PG programming or sport, irrespective of the time. Our buy has adhered to all rules and regulations as mentioned above.

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 advertisement is too frightening and is inappropriate to be shown on TV in the early evening.

The Board viewed the advertisement and noted the advertiser's response.

The Board considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code 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 scenes from the forthcoming movie Paranormal Activity 3 and that some of these scenes depict supernatural content such as objects moving apparently on their own and people screaming. Although relevant to the

advertised product the Board will still consider whether the content of the advertisement is too graphic for general viewing.

The Board noted the advertisement has been rated T by CAD which means it may be broadcast from 12 noon until 3pm on school days and between 8.30pm and 5am except in G or PG programs scheduled to start at or continue past 8.30pm.

The Board considered that whilst some members of the community may find movies such as Paranormal Activity 3 to be frightening, in the Board's view the content of the advertisement is suspenseful rather than violent. The Board considered that the advertisement was not inappropriate for screening on TV in the relevant timeslots for a T rating.

The Board considered that the level of violence shown in the advertisement is justifiable in the context of the product being advertised and did not breach Section 2.2 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.