



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Advertising Standards Bureau Limited  
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# Case Report

1	<b>Case Number</b>	<b>0417/18</b>
2	<b>Advertiser</b>	<b>Twentieth Century Fox Film Distributors Pty Ltd</b>
3	<b>Product</b>	<b>Entertainment</b>
4	<b>Type of Advertisement / media</b>	<b>TV - Pay</b>
5	<b>Date of Determination</b>	<b>26/09/2018</b>
6	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.3 - Violence Causes alarm and distress to Children

## DESCRIPTION OF THE ADVERTISEMENT

This Pay TV advertisement features scenes from upcoming film "The Predator".

## THE COMPLAINT

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

*The preview for the upcoming film 'The Predator' with an Australian classification of M+, is being broadcast during the AFL finals series. The advertisement is not suitable to be seen by children. It contains violent and confronting images. The advertisement has been shown throughout both the afternoon and evening football broadcasts.*

## THE ADVERTISER'S RESPONSE

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

*20th Century Fox Response to Consumer Complaints 0417/18*





*Details of Advertisement:*

*The advertisements in question are five thirty second long videos featuring audio. These advertisements were broadcasted nationally across both free to air and paid TV to promote the new film THE PREDATOR. The videos in question feature key characters in the film as well as the villain, the space alien. All advertisements for this film that have been broadcasted were approved and rated J by the Free TV Australia classification body. J rated programming is appropriate to be broadcasted to a general audience and these spots were matched to the programming accordingly. A huge amount of care was taken in the selection of the footage used in these advertisements to ensure minimal viewing of the villain, and to ensure that there is no extreme violence or horror themes showing. We were mindful that there would be co-viewing times in which the advertisements were shown and ensured that our softest footage was submitted to the Free TV Australia classification body.*

*The TV spots in question are no longer running across any medium. Different advertisements (15" in length), will run in accordance with CAD restrictions until the 22nd of September. There will be no advertising for this film on any medium from the 23rd September onwards.*

*CAD Numbers and Ratings (of TV spots broadcasted during date range of complaints): Parental Guidance/Warning "J". Definition: Parental Guidance Recommended/Care in placement May be broadcast at any time of day, except during P and C programs or adjacent to P or C periods. Exercise care when placing in programs principally directed to children.*

*As requested the following is in direct reference to the remaining parts of Section 2 of the Australian Association of National Advertisers (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.*

*The advertisements in question in no way discriminates or vilifies any person or section of any community with regards to race, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief. In the advertisement featured, no nationality, gender, age, sexual preference, religion, disability, mental illness or political belief is referenced in any way.*

*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 in no way employs sexual appeal in a manner that is exploitative or degrading of any individual or group of people.*

*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.*

*All of the TV spots in question were submitted to the Free TV Australia Classification Board and all received a J rating, they were then programmed accordingly. The violence and sense of threat in the advertisements is very Sci Fi in nature and there is no presence of blood or people being overtly hurt or injured. The depiction of violence is overly stylised and unrealistic and the villain is shown infrequently and only for a short period of time to lessen the impact. In addition, the violence is supernatural in nature which furthers decreases the severity of its impact.*

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

*The advertisement in no way references sexuality, sex or nudity.*

*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.*

*All of the TV spots in question were submitted to CAD and received a J rating and were programmed accordingly. None of the advertisements in question feature inappropriate language.*

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

*The advertisements do not feature anything that is in opposition to the prevailing community standards on health and safety. The advertisements, like the film it promotes, is Sci Fi in nature and the characters featured are mythical creatures.*

*In addition to abiding by all codes set out by the AANA Codes of Ethics we have also ensured that we are well within the AANA Code for Advertising and Marketing Communications to Children in the production of this advertisement. We were mindful of the fact that although the film is not targeted towards very young children, that they may see the advertisement through out of home channels and for this reason we ensured that the softest material possible was chosen.*

*In sum, the advertisement used abides by all of the codes and guidelines established by the AANA Code of Ethics and the AANA Code for Advertising and Marketing Communications to Children and therefore, should withstand the complaints received.*



## **THE DETERMINATION**

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement and caused alarm and distress.

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

The Panel noted that there are five versions of the Pay-TV advertisement which featured various scenes from the movie Predator. The Panel noted that the movie being promoted is a remake of a well-known 1987 movie. The Panel noted that all five advertisements being considered featured similar scenes with fleeting images of different scenes

The Panel considered whether the advertisements were 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 Panel noted the complainant's concerns that the advertisement was too violent and scary to be played at a time when children are watching TV.

The Panel considered that the advertisement was shown on a sports channel on Pay-TV and considered that relevant audience would therefore be broad and may include children.

The Panel considered that the advertisement was fast-paced and there was no focus on any violence.

The Panel considered that a number of the advertisements contained scenes with violence or which contained menace, including:

- explosions (in ads 1, 2, 3, 4 and 5)
- the predator opening doors and growling so that its fangs were revealed (in ads 1, 3, 4 and 5)
- the predator roaring (in ads 2, 3, 4 and 5)
- the predator's dog roaring so that its fangs were revealed (in ad 2)
- the predator's dog leaping on a man while roaring (in ad 2)
- the predator standing on a vehicle lifting a man up by his neck (in ads 1, 2, 3 and 4)
- various images of people holding and shooting guns (in ads 1, 2, 3, 4 and 5)
- a body being lowered upside-down from trees in a forest that is burning (in ad 3)
- the predator lifting a man up by his neck and holding him against the wall (in ads 3



and 5)

- one predator throwing another through a wall and onto a car (in ads 3 and 5) In particular the Panel noted a scene of a man in a vehicle being attacked and a fleeting depiction of the man having his neck sliced by the predator's claws (in ads 1, 2 and 4).

A minority of the Panel considered that the overall impressions of this advertisement was of a movie containing violent content and considered that this would not be appropriate for a broad audience which would include children.

In particular, the minority of the Panel considered that the scene of the man having his throat sliced was overly graphic and inappropriate.

However, the majority of the Panel considered that across all versions of the advertisement there was no blood or gore shown, and that the different scenes were very fleeting and it would be difficult for most viewers to have the time to understand what is happening in the fast-moving scenes.

The majority of the Panel considered that in the context of advertising a violent movie, it was not inappropriate for scenes from that movie to be shown in advertising as long as the scenes did not breach the Code.

The majority of the Panel considered that the overall impression of the advertisement was alluding to violent content, however the level of actual violence depicted in the advertisement was not too graphic for the relevant broad audience.

The Panel considered that the violence portrayed in the advertisement was justifiable in the context of an advertisement for a horror movie, and considered that the advertisement did not breach Section 2.3 of the Code.

Finding that the advertisement did not breach any other Section of the Code the Panel dismissed the complaint.

