

Case Report

1	Case Number	0418/16
2	Advertiser	Warner Village Theme Parks
3	Product	Entertainment
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	12/10/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Violence Causes alarm and distress

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement promotes a Halloween-themed special event called 'Fright Nights' conducted at Warner Bros. Movie World on the Gold Coast, Queensland. The advertisement depicts replicated scenes from the movie, Conjuring 2, that have been created as a walk-through maze attraction.

THE COMPLAINT

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

Graphic horror and paranormal activity shown.

THE ADVERTISER'S RESPONSE

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

Comments in Relation to the Complaint:

The advertisement is entitled 'Fright Nights – The Conjuring 2 Maze' which topic/title provides potential viewers with an indication that the video is of a frightening/horror type genre both by virtue of the use of the word 'Fright' and the reference to 'Conjuring 2' which is a successful and well-known horror film.

The CAD rating of this advertisement is ‘A’ which is defined as:

Suitable for viewing only by persons 15 and over. May be broadcast between 8.30pm and 5.00am on any day.

In addition to the time restrictions, a Commercial classified “A” must NOT be shown before 9.30 pm during Sports Programs and Films classified G or PG which commence before 8.30 pm and continue after 8.30 pm (unless it is a Film which is neither promoted to Children nor likely to attract a substantial Child audience).

In this instance the complainant said they viewed the advertisement during Little Fockers (rated M). We have confirmed that this advertisement aired twice during Little Fockers - the first aired at 21:37 and the second at 22:06. Therefore the advertisement aired at times in compliance with the applicable CAD rating.

We are not aware of the age of the complainant nor whether they have raised the complaint on their own behalf or on behalf of a child under their care who viewed the advertisement.

The advertisement is not in any way targeted to children by the very nature of the theme, visuals and language used. Indeed the times at which the advertisement aired were in time slots when children should not be viewing television [or if they are, then only under the care and guidance of their parent or supervising carer exercising sound discretion]. We are of the view that prevailing community standards suggest that children are closely monitored by a responsible adult when viewing television.

It is respectfully submitted in respect of the advertisement that (although acknowledging they have caused distress to the complainant):-

The images contained therein do not depict violent acts that would cause concern, distress or harm to reasonable members of the community in the light of generally prevailing community standards as to what is likely to cause serious or widespread offence taking into account the context, medium, audience and product in question here;

The matters portrayed therein are linked to and justifiable in the context of the product advertised – ‘Fright Nights’; and

The use of the special effects in the advertisement is not careless and is justifiable based on the product being marketed, and the content should not reasonably provoke any feelings of shock given the context.

Village Roadshow Theme Parks and its advertising agency are conscious and respectful of the AANA Code of Ethics and prevailing community standards in respect of the use and portrayal of violence in advertising and ask the Board to review the advertisement in its entirety when determining justification.

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 graphic horror and paranormal activity.

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 features replicated scenes from the movie, Conjuring 2, that are used in the advertised theme park's walk through maze attraction.

The Board noted it had previously considered a similar complaint about a Fright Night promotion in case 0434/14 where:

"The Board noted the advertisement opens on a man driving a young couple through some gates with the WB Movie World logo above them and considered that the advertisement clearly shows from the start that it is promoting a horror-movie experience at a theme park.

The Board noted that the advertisement features a montage of scenes akin to the movie 'Fright Night' and that these scenes are accompanied by a suspense soundtrack typically associated with horror movies. The Board considered that the advertisement creates an atmosphere of fright and that it shows people scared...

... The Board noted that the advertisement had been rated 'M' by CAD and considered that the whilst some members of the community would prefer for this type of advertising to not be aired on TV in the Board's view the level of violence is appropriate in the context of both the advertised product and the relevant M audience."

The Board noted the scenes depicted in the current advertisement and considered that they were scary. The Board noted that the advertisement does make it clear that the promotion is of a Fright Night at a theme park and considered that in the context of an M rated audience the level of menace portrayed is not inappropriate.

The Board noted that this advertisement had been rated 'A' by CAD which means it can be aired in M rated timeslots. The Board noted the complainant had viewed the advertisement while watching 'Little Fockers' which is an M rated movie and considered that consistent with its previous determination in case 0434/14, the level of suspense depicted in the advertisement, although possibly to cause alarm and distress to sensitive members of the community, is not inappropriate in the context of both the advertised product and the relevant M audience.

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 any other grounds, the Board dismissed the complaint.

