



Case Report

1	Case Number	0426/16
2	Advertiser	Entertainment One
3	Product	Entertainment
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	26/10/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Violence Causes alarm and distress

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement is promoting the new movie "Girl on the Train" and features scenes from the movie including a woman being interviewed by police and the discovery of a body in a forest. There are two versions: PG and J.

THE COMPLAINT

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

My children watch TV at this time on night and the ad contains visions of dead people, frightening scenes and images.

THE ADVERTISER'S RESPONSE

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

eOne's comprehensive comments in relation to the complaint (taking into account the need to address all aspects of the advertising codes).

We are aware that the Commercial Television Industry Code of Practice ("the Code") provides that television commercials must be classified before they can be broadcast. As mentioned above, we submitted three (3) versions of the Trailer for the Film to CAD to be

classified before they were submitted for broadcast. Reliant on CAD's determination, we provided the Seven Network with the CAD Classification Numbers and Ratings for each Trailer through our media buying agency. It is our understanding that the onus regarding placement of the advertisement in the appropriate classification zone, under the requirements of the Code, is on the broadcaster.

As stated in AANA Code of Ethics Practice Note, "Depiction of violence to promote a violent game may be acceptable provided it is relevant to the product advertised". Whilst the single complaint received in relation to the Trailer does not specifically object to the violence or sex depicted in the trailer, we maintain that the same principle should be applied to the promotion of the Film. While it is unfortunate the complainant finds scenes and images within the Trailer frightening - that was not our intention and we do not agree with the complainants view. The Trailer introduces a mystery and then includes various depictions of physical force to emphasise the danger that the protagonist faces. This type of imagery is pertinent to the Film, a thriller, which is characterised by anticipation and suspense. The tension in the Trailer is built on throughout the Film and leads to a climax.

To end, we do not believe the trailer infringes any part of Section 2 of the AANA Code of Ethics regarding violence, treatment of sex, sexuality and nudity, portrayal of people, appropriate language, and is in line with Prevailing Community Standards in marcomms.

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 contains vision of dead people and would be frightening to children.

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 there were two versions of this television advertisement, both of which feature scenes from the movie 'Girl on a Train'.

The Board noted the first version had been rated 'J' by CAD which means it can aired at any time except during, or adjacent to, Preschool and Children's programs, and that care should be taken when placing in programs principally directed to children. The Board noted that the second versions had been rated 'PG' by CAD which means it may be aired at any time except during, or adjacent to, Preschool and Children's programs. The Board noted the complainant had viewed the advertisement at 6.35pm on a Sunday, which is when the Channel 7 news program is on, and considered that the Free TV Code of Practice (http://www.freetv.com.au/media/Code_of_Practice/Free_TV_Commercial_Television_Industry_Code_of_Practice_2015.pdf) provides that J and PG rated material may be broadcast at any time, therefore the placement of the advertisement was in accordance with this Code of Practice.

The Board noted the content of both versions of the advertisement and considered that while there is an overall sense of menace and suspense, the actual violence depicted is minimal. The Board noted that in one scene we see a hand of a body lying on a forest floor, covered in leaves, and considered that although there is a strong suggestion that this is the hand of a corpse, the scene is very brief and there are no other visuals of the body. The Board noted the other scenes featuring a woman's hair being grabbed from behind, a woman being pulled across the floor and a woman smashing a mirror with a golf club and considered that the fleeting nature of these scenes lessens the impact.

The Board noted that the rating of the advertisement means it would likely be viewed by children but considered that the content of the advertisement, although suspenseful, was not inappropriate for a broad audience and in the Board's view the content is justifiable in the context of the product advertised.

The Board determined that both versions of 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.