



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0427/16</b>
<b>2</b>	<b>Advertiser</b>	<b>Roadshow Film Distributors Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>Entertainment</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>26/10/2016</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

- 2.3 - Violence Causes alarm and distress
- 2.3 - Violence Causes alarm and distress to Children

## DESCRIPTION OF THE ADVERTISEMENT

There are two versions of this television advertisement promoting the new movie Blair Witch, one rated J, the other PG. Both versions feature scenes from the movie which has been rated MA15+ for theatrical release.

## THE COMPLAINT

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

*The sound track and the darkness of the scene alone is enough to give children nightmares. It should not be shown in any form before 9pm.*

*It's a horror movie rated MA15+ not appropriate at all to be shown in prime time.*

*I don't expect to view nor appreciate viewing this type of promotion when choosing to enjoy a PG movie with my children.*

## THE ADVERTISER'S RESPONSE

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

*The campaign for Blair Witch ceased on 18th September 2016. There have been no spots appear on air since.*

*With regards to the TV spots in questions - these contain no discriminatory material, exploitative or degrading material, strong or obscene language, nudity, or material contrary to health and safety standards. The TV spots do not depict violence but do contain scary and supernatural themes. This however is relevant to the Film being advertised which is of the horror genre and accordingly unavoidable. The TV spots contain, as required, the classification message for the Film of MA15+ is shown which remains on screen for the required length of time of 10 seconds.*

*The TV spots have been placed in accordance with the Free TV code of practice applicable to J and PG rated TV spots.*

## **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 featured images and themes that would frighten 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 ‘Blair Witch’.

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 advertiser’s response that both versions of the advertisement had been aired in accordance with 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](http://www.freetv.com.au/media/Code_of_Practice/Free_TV_Commercial_Television_Industry_Code_of_Practice_2015.pdf)) which provides that J and PG rated material may be broadcast at any time.

The Board noted that both versions of the advertisement contain scenes from the Blair Witch movie and considered that while there is a suggestion of suspense and fear, in the Board’s

view the actual content does not depict scenes of violence or horror.

The Board acknowledged that some members of the community would prefer that this type of movie not be advertised, especially at times when children can view them, but considered that in the context of a horror movie the actual content of the advertisement is relatively mild.

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 promoting a movie in the horror genre.

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 complaints.