



Case Report

1	Case Number	0429/12
2	Advertiser	FOXTEL Management Pty Ltd
3	Product	Entertainment
4	Type of Advertisement / media	Transport
5	Date of Determination	14/11/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.3 - Violence Violence
- 2.3 - Violence Weapons

DESCRIPTION OF THE ADVERTISEMENT

The advertisement is to promote the third series of the post apocalyptic zombie drama The Walking Dead on FX Channel 123 available on FOXTEL.

It features an image of a man pointing a gun at an unknown object.

THE COMPLAINT

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

I am offended by seeing guns depicted in this way publicly as if it is normal to walk around with one ... shooting people (it is not and it is illegal). I think it is much too graphic an image to have enlarged on buses and at train stations where children and citizens generally will see it. I believe it is irrelevant if the image is related to a 'fictional' form of entertainment - film. I believe it further embeds gun violence, and violence generally as an acceptable way to solve issues in our society - something I don't believe is true or good for society. I believe the images and ideas we fill our minds with becomes the society we have. One way of dealing with the current levels of violence in our society is to responsibly advertise. I don't find this image a responsible advertisement and I believe it contributes to a violence-accepting society.

THE ADVERTISER'S RESPONSE

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

Please note that, as advised this response addresses the 2 complaints, one on a billboard and one on a bus side as they are the same advertisement.

- A description of the Advertisement;

The advertisement is to promote the third series of the post apocalyptic zombie drama The Walking Dead on FX Channel 123 available on FOXTEL

The image was deliberately chosen

- Not to exaggerate the gun size

- Not to be the focus or main eye-line point of the advertisement

- Not be pointed directly at viewers or any living object or individual real or in the context of the image

- Weapon is deliberately pointed at the channel logo

- Does not glorify gun use in society. The gun usage is relevant to the context of the show as the individual holding the weapon is a U.S.Sheriff and the story concerns him and his group fighting zombies to survive.

- The use of violence in the programme is almost entirely in the context of surviving a zombie attack

As a member of the Outdoor Media Association, APN Outdoor adhere to the OMA's guidelines which stipulate that our internal creative censorship and approval process is based upon the Australian Association of National Advertisers (AANA). Any particular requirements or prohibitions stipulated by the asset owner (in which the advertised is displayed upon) are taken into consideration. Ultimately the Advertising Standards Bureau regulates all advertisements in the Australian market.

APN Outdoor approved the display of The Walking Dead creative execution primarily based upon the fact that the key elements of the show were included in the artwork of the show in question. Consideration was also given to section 2.3 of the AANA Code of Ethics:

'Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.'

Based on the show being advertised and the content of the show in question the decision was made that the content was justifiable in the context of the show being advertised.

In addition to considering the specific issues raised by individual complainants, the Board will also review the advertisement in its entirety against Section 2 of the Advertiser Code of Ethics (http://www.aana.com.au/data/Documents/Codes/AANACodeofEthics_1Jan2012.pdf). Accordingly your response should address any issues within your advertisement that fall broadly within Section 2 of the Code.

2. Section 2 Consumer Complaints2

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.

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.

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.

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

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.

We are confident that the advertisement does not breach Section 2 of the Advertiser Code of Ethics.

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 presents violence in a manner which is not appropriate or acceptable.

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 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 the advertisement is a promotion for a television series called “The Walking Dead” and features an image of a man pointing a gun at an unseen target.

The Board noted it had previously dismissed a similar advertisement for a movie (case reference 0221/11) which featured three men holding guns.

The Board noted that in this instance whilst the man is pointing a gun he does not look menacing and there is a clear association being made with the television series being promoted. In the Board’s view most members of the community would be unlikely to interpret the image as a real life situation. The Board noted that the advertisement is displayed on the side of a bus and so could potentially be seen by children however the Board considered that the image does not portray explicit violence and is relevant to the advertised product.

The Board considered that the image is not so strong as to be inappropriate for general viewing.

The Board considered that the advertisement does not present or portray violence and that it is not inappropriate for viewing by a broad audience including children.

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 other grounds, the Board dismissed the complaint.

