



Case Report

1	Case Number	0433/17
2	Advertiser	Sony Pictures Releasing Pty Ltd
3	Product	Entertainment
4	Type of Advertisement / media	TV - On Demand
5	Date of Determination	11/10/2017
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

- 2.3 - Violence Causes alarm and distress
- 2.3 - Violence Causes alarm and distress to Children
- 2.3 - Violence Violence
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The 30 second online commercials called 'MIND TRICKS' and 'QUESTIONS' are online and TV advertisements for the movie FLATLINERS, which released in cinemas in September 28, 2017. It is a suspense thriller. The online and TV commercials show a group of medical student friends attempting to flatline and the hallucinations they experience as a result. The TVC displays the title of the film, release date and the Check The Classification logo.

THE COMPLAINT

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

It was shown before "little big shots" a show my children were watching. I don't think it's appropriate to attach to this shoe.

The program was originally broadcast on 3 September. This is a tv program aimed at families and young children, showing children as young as four or five performing their talents. It is clearly going to have a young viewing audience. The ad/preview for the horror film graphically portrayed violent scenes including someone being suffocated with a plastic

bag, blood and other disturbing scenes. It is completely inappropriate during a kids tv show. On another occasion we watched there was an ad for the movie Bladerunner, a sci film that shows a lot of gun violence. We had to mute the tv and ask our son to look away as he was frightened. Please show age appropriate ads during a kids program!

THE ADVERTISER'S RESPONSE

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

We have reviewed the notice of complaint regarding the advertising of the film FLATLINERS, which was released in cinemas nationally on Thursday September 28, 2017. The film was rated M (no age restrictions) on Friday September 22, 2017.

There are two TVCs that were delivered to Yahoo!7 for pre-roll ad placements on Plus7 streaming programs – MIND TRICKS 30 & QUESTIONS 30. Both were approved for broadcast use by CAD and were approved by Yahoo!7 for serving online on their platform as pre-roll to their programming.

Although CAD ratings do not apply to online advertising, please see below as a guide:

*TVC Name: MIND TRICKS 30
Key Number: SPRFL303D
CAD Rating: J56QGEPE
CAD Reference no: 1188802*

*TVC Name: QUESTIONS 30
Key Number: SPRFL302D
CAD Rating: M56I3EPE
CAD Reference no: 1188688*

The online advertisements for FLATLINERS do not breach any part of Section 2 of the AANA Code of Ethics. They do not discriminate, exploit or degrade any individual. They do not employ sexual appeal that is exploitative, use obscene language, nor do they depict material contrary to Prevailing Community Standards on health and safety. In regards to the specific part of Section 2 (2.3) identified in the complaint, the commercials do not portray violence out of context to the M rated (no age restrictions) movie being advertised.

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 depicts material from a horror movie which is frightening and not appropriate for children to view.

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 the advertisement was aired on On-Demand Television, each featuring scenes from the new movie, 'Flatliners' which is currently airing in cinemas. The advertisement included scenes of young men and women who engage in an experiment where they temporarily die and are then brought back to life. Several scenes are shown from the movie including scenes in a CT scanner and the use of defibrillator paddles. The more horrific scenes include, a woman swimming with the word 'murderer' in the pool floor and driving as plastic is stretched across her face.

The Board noted there had been various advertisements which had received different ratings from CAD based on their content (http://www.freetv.com.au/media/CAD/Placement_Codes.pdf). The Board noted that Freeview is not a broadcaster and that CAD ratings are not required for advertisements aired during television shows viewed via on-demand television. The Board noted that the advertisement was aired during Little Big Shots and considered that this program is directed at families and would likely include children amongst the viewers.

The Board noted that the movie itself is an M rated movie.

The Board noted that there were two versions of the advertisement rated J and M. Mind tricks 30 – key number SPRFL303D rated J and Questions 30 – key number SPRFL302D rated M.

The Board noted that the scenes from the movie included in the current advertisements are not especially graphic or gory but contains violent images (such as plastic being tightly wrapped around a woman's face).

The Board noted the advertisements do not show people dying and includes fast paced images of things happening to the participants after they have conducted the experiment.

The Board noted that the depiction of the young adults conducting the experiment and the horror-movie style background music are all relevant to the advertised product and add to the suspense of the advertisement.

The Board noted that advertisers can choose which scenes to use to promote their movie and considered that although these scenes are all brief and are clearly in the context of a movie in the Board's view it is content which would cause alarm and distress to children and in the Board's view would also cause alarm and distress to many adults. The Board considered the images are outside of the bounds of what is acceptable for an advertisement shown in a program such as Little Big Shots" that would have a large child audience and advertisers should take care in selecting appropriate content as not all adults are comfortable with scenes of horror and suspense.

The Board noted it had previously upheld complaints about advertisements for the horror movie 'IT' when aired on catch up TV (0408/17) due to the inappropriate placement during the same program, Little Big Shots.

The Board noted the overall tone of the current advertisements and considered that whilst the content is relevant to the advertised product the level of implied violence as well as the sinister tone and use of scary scenarios means that the content is not appropriate for a broad audience which would include young children as it would likely cause alarm and distress.

The Board determined that this version of the advertisement, in this context - aired on ON-Demand television did breach Section 2.3 of the Code.

The Board then considered section 2.6 of the Code. The Board considered Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted that the advertisement is presented in a dream like sequence and that the process of the experiment is presented as glamorous. The Board noted that the experiment is based on risk taking behaviour and that there have been genuine cases of people who deliberately attempt near death activities for the euphoric experience it can provide.

A minority of the Board considered that the overall impression is that the risk taking behaviour is glamorous and any consequences are highlighted and in the context of a horror movie this is not inappropriate.

In the majority of the Board’s view, the glamourised risk taking behaviour was unacceptable. The Board noted that the actor makes comments such as “ it’s a good day to die” and the words “you haven’t lived until you’ve died” appear on screen and considered that this is material that is contrary to prevailing community standards on health and safety in an environment where it would be viewed by children.

Finding that the advertisement did breach the Code the Board upheld the complaints.

THE ADVERTISER'S RESPONSE TO DETERMINATION

The media activity in question in complaint 0433/17 was discontinued on September 30, 2017

ADVERTISER'S RESPONSE TO IR DETERMINATION