



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0434/14</b>
<b>2</b>	<b>Advertiser</b>	<b>Warner Village Theme Parks</b>
<b>3</b>	<b>Product</b>	<b>Tourist Attractions</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>22/10/2014</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.3 - Violence Violence

## 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 the main character from Wolf Creek 2 movie and replicated scenes from the movie that have been created as a walk-thru maze attraction.

## THE COMPLAINT

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

*I feel that this advertisement displays flashes of graphic violence/horror that is almost subliminal in nature. This content does not have a rating as it is an ad, which I feel should not be shown at all on free to air tv. I firmly believe that children should not be able to view this advertisement at all.*

## THE ADVERTISER'S RESPONSE

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

*Please note - the advertisement is no longer aired on television and will not be aired again on television.*

*The TV advert is only 15 seconds and is a cut down version of the 30 second advert each appearing on YouTube – refer below link:*

*<http://www.youtube.com/watch?v=qKVTZWuNR7c&list=PLbTsb7jtaJLzdT8EWflcDemTKD2Y8RmbG>*

#### *Comments in Relation to the Complaint*

*The advertisement is entitled “Fright Nights – Wolf Creek 2 Maze” which topic/title provides potential viewers with an indication that the video will be of a frightening/horror type genre both by virtue of the use of the word “Fright” and the reference to “Wolf Creek” which is a very successful and well known Australian-made horror film. We are of the view that prevailing community standards suggest that children are closely monitored by a responsible adult when viewing television. The CAD rating of this advertisement is M [lower rating than other possible rating codes including “AV – Adult Violence”] recommended for viewing only by persons 15 and Over and may only be broadcast during the following hours:*

- Weekdays (schooldays):*
- 8.30pm–5.00am*
- 12 noon–3.00pm*
- Weekdays (school holidays) and Weekends:*
- 8.30pm–5.00am*

*In this instance the complainant said he viewed the advertisement during Big Brother which would have been in the correct time slot 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]. The advertisement is not targeted to children by the very nature of the theme, visuals and language used.*

*It is respectfully submitted that the images contained in the advertisement (although acknowledging they have caused offence to the complainant) 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 in the advertisement are linked to and justifiable in the context of the product advertised – “Fright Nights”.*

*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 nausea or shock given the context in which same are presented with the brevity or length of images in the video being very short [almost fleeting].*

*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 depicts graphic violence and is not appropriate for broadcast on television where children could see it.

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 the advertisement is promoting a Halloween-themed ‘Fright Night’ event at the Warner Bros. Movie World and features scenes replicated from the horror movie, “Wolf Creek 2”.

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. In particular the Board noted the scene which depicts what appears to be a person hanging. The Board expressed concern over this scene and noted it had previously upheld an advertisement which featured a silhouetted image of a person hanging from a tree (0125/13). The Board considered in this instance however that it becomes clear that the person is alive and is not a suicide. The Board noted that the hanging scene is a brief scene amongst many scenes designed to be scary to the viewer. The Board considered overall that the advertisement as a whole was just within the boundaries of what would be considered acceptable to portray in an advertisement for this type of product.

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.

Based on the above 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.

