



Ad Standards Community Panel
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Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0434/18
2	Advertiser	Sony Pictures Releasing Pty Ltd
3	Product	Entertainment
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	10/10/2018
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

DESCRIPTION OF THE ADVERTISEMENT

The television commercials called 'Evolution', 'Devil' and 'Bad Behaviour' are for the movie VENOM. They show the character Venom, based on the Marvel comic book of the same name.

THE COMPLAINT

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

During Prime Time television, with my 3 YEAR OLD son watching, this ad was shown multiple times in between the news program. This add shows a horrifying dark image of a monster, with sharp teeth, grabbbng people by the neck. Seriously full on for a toddler to see.

The monster that the main character turns into is terrifying, even for an adult like





myself, let alone my children who were watching at that time. Definitely not suitable to be broadcast at that time

The theme of the advertising is monsters and people changing into monsters with very detailed graphics of big sharp teeth possibly biting a head off , blood and mucus. My children , who are 10 and 11 are quite distressed every time this ad comes on , which is every ad break. They are shocked at the timing of this advertising and have asked me to submit an official complaint .

I feel that the horror-like nature of this content, broadcast at such an early hour on TV, is completely inappropriate for younger viewers. I even asked my 11 year old to avert his eyes when the ad came on, as I knew the extreme nature of the images would be disturbing to him. I couldn't find the rating of the movie, but did find this quote online: "According to Variety, Venom probably won't be Sony's first R-rated film based on a Marvel Comics property. "Some members of Sony's brain trust believe that the film should push the very limits of PG-13 without crossing over into a higher rating," states the report, which cites unidentified studio sources." I strongly believe 5.30pm on a week night isn't the right time to be advertising movies with potential ratings of R or even PG. Thank you.

The cgi venom character is frightening in appearance and has caused my 3 and 5 year old children significant distress (crying, hiding, saying "it's too scary"). I don't believe this trailer should be shown prior to 20:30 at night during "family" viewing times when very young members of the family might be exposed to distressing, frightening cgi graphics.

I hate horror movies and these images are scaring me and making me feel very uncomfortable and grosse.

THE ADVERTISER'S RESPONSE

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

All TVC"s for the VENOM advertising campaign were submitted to CAD for rating before being delivered to the TV stations, as per regulation. The TVCs were delivered to networks with the confirmed film rating advice with instructions to use during programs and timeslots appropriate for the CAD rating.

We received the following rating from CAD for the following TVCs:

TVC Name: Bad Behaviour 30

Key Number: SRPV307

CAD Rating: J5002EPE



*CAD Reference no: 2289514
Date of classification: 19th September 2018*

*TVC Name: Devil 30
Key Number: SRPV306
CAD Rating: J50NWEPE
CAD Reference no: 2289359
Date of classification: 18th September 2018*

*TVC Name: Devil 30
Key Number: SRPV306
CAD Rating: J50NWEPE
CAD Reference no: 2289359
Date of classification: 18th September 2018*

*TVC Name: Evolution 30
Key Number: SRPV303
CAD Rating: J50N2EPE
CAD Reference no: 2287282
Date of classification: 3rd September 2018*

The CAD guidelines state that TVCs rated as 'J' are suitable for PG rated programs and "may be broadcast at any time except during P and C (Children's) programs or adjacent to a P and C periods".

The Ten Network has confirmed the TV commercials in question, 'Devil' and 'Bad Behaviour' aired during The Project on September 24 & 25, 2018 at 7.21pm in all markets and adheres to the J-CAD guidelines. Additionally, they have confirmed 'Evolution' aired during the Ten News on September 19, 2018 at 5.43pm.

The TV advertisements for VENOM do not breach any part of Section 2 of the AANA Code of Ethics. They do not discriminate, exploit or degrade any individual, nor do they employ sexual appeal in an exploitative or degrading manner. They do not use obscene language and they don't 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 TV commercial in question does not present or portray violence out of context of the film being advertised.

VENOM was approved for advertising on the likelihood that it will be classified M. Films classified M are recommended for mature audiences but carry no legal age restrictions. VENOM received an M classification from the OFLC on Friday September 28, 2018.

THE DETERMINATION



The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants' concerns that the advertisement was inappropriately violent and caused alarm and distress during family viewing times.

The Panel viewed the advertisement and noted the advertiser's response.

The Panel noted that there are four versions of the television advertisement which featured various scenes from the movie 'Venom'. They were Bad Behaviour (1); Devil (2); Evolutions (3); Truth (4). The Panel noted that all four advertisements being considered featured similar scenes with fleeting images of different scenes.

The Panel considered whether the advertisements were 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 Panel noted the complainants' concerns that the advertisement was too violent and scary to be played at a time when children are watching TV.

The Panel acknowledged that it can be challenging to select scenes for advertisements for films with a high degree of violence or menace that comply with the terms of the Code. The Panel noted that advertisers are free to select any scenes from films for use in advertisements, however noted that advertisers must take care to ensure that such scenes are justifiable in the context of the product and are suitable for a broad audience that may include children.

The Panel noted the advertiser's response that the advertisements had been given a J rating by CAD and were played at a time appropriate to that rating.

The Panel noted that all four versions of the advertisement had received a J rating from CAD meaning that it "may be broadcast at any time of day, except during P and C programs or adjacent to P or C periods. Exercise care when placing in programs principally directed to children."

The Panel considered that a number of the advertisements contained scenes with violence or which contained menace, including:

- Man throwing equipment in medical setting (in ad 1)
- Face vibrating/changing (in ads 1, 2 and 4)
- People being lifted and/or thrown (in ads 1, 2 and 4)
- Large claws swiping a person (in ad 1)



- Man being punched in head (in ads 1 and 3)
- Explosion (in ads 1, 2 and 4)
- Fight in apartment (in ads 2 and 3)
- Monster using blades as arms and swiping through people in an office (in ads 1 and 2)
- Venom coming out of man's arm and talking (in ads 2, 3 and 4)

In particular the Panel noted scenes of Venom opening his mouth wide, appearing to be about to eat someone (in ads 1, 2, 3 and 4), and a scene showing half the man's face and half the monster's face, and saying "we are venom" (in ads 2 and 3)

The Panel noted the practice note for Section 2.3 of the Code which states "a strong suggestion of menace presents violence in an unacceptable manner and breaches this section of the Code. "

The Panel noted that this advertisement was for a film classified M. The Panel noted that the main character in this film is a part of the Marvel Studios series of characters. The Panel noted that the main character is an anti-hero who is on the side of good. The Panel also noted that the character has not been introduced in a movie before, and therefore its history and motivation would not be commonly known by the broad community. The Panel considered that on the basis of the main character's persona it is reasonable that the advertisement shows scenes of this character. However, the Panel considered that several scenes showing the monster with its mouth wide open and displaying a lot of sharp teeth and dripping mouth, presented as if about to eat someone, were excessively menacing.

The Panel also considered that a scene which appeared in advertisements 2 and 3, showing half the man's face and half the monster's face with a lot of teeth and tearing around the area where they merged and saying "we are venom" is menacing, and the voice effect of two voices merged together in a deep bass tone in conjunction with the imagery was not appropriate for a broad audience that would include children.

The Panel acknowledged that some level of violence and menace is justifiable in the context of advertising an superhero movie, however considered that the level of violence and menace in this advertisement exceeded the amount which most members of the community would consider to be appropriate.

The Panel considered that the advertisement, in the context of the free to air television J classification, did portray violence that was unjustifiable in the context of the product or service advertised and did breach Section 2.3 of the Code.

Finding that this advertisement did breach Section 2.3 of the Code the Panel upheld the complaints.



THE ADVERTISER'S RESPONSE TO DETERMINATION

All advertising for VENOM ceased on Saturday October 6, following the release of the film on Thursday October 4.