



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0435/14</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>Internet</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 YouTube 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" the 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:

*The YouTube Video 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 the internet, especially websites such as “YouTube”. Any parent or carer would consider the title of the video in deciding whether children should be allowed to view same. Equally, any children who are not properly supervised in relation to internet use, should cause to think when reading the title before proceeding.*

*The television advertisement which is the same as the video shown on YouTube the subject of this complaint, has been reviewed and approved by CAD [reference number 1054752] with an M rating which is a lower rating than other possible rating codes including “AV – Adult Violence”.*

*The advertisement is not targeted to children by the very nature of the theme, visuals and language used and is intended for the mature audience of the YouTube medium.*

*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 should not be viewed by 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 the advertisement is featured on the advertiser's YouTube page and 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 is clearly promoting a horror-movie experience at a theme park. The Board noted that this is the longer version of the advertisement also considered by the Board in case 0434/14 where: "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."

The Board noted in the current advertisement that it had been viewed on YouTube. The Board noted that the advertisement is not designed to be of appeal to children and considered that its placement on the advertiser's own site means it would be unlikely to be sought out by children. The Board noted that the rating of the advertisement is not applicable due to its placement online and considered that parents are responsible for monitoring their children's online viewing.

Consistent with its previous determination the Board considered that the level of violence in the advertisement is relevant to the product advertised and 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.