



## Case Report

1	Case Number	0443/17
2	Advertiser	Sony Pictures Releasing Pty Ltd
3	Product	Entertainment
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	11/10/2017
6	DETERMINATION	Dismissed

### ISSUES RAISED

2.3 - Violence Causes alarm and distress to Children

### DESCRIPTION OF THE ADVERTISEMENT

The 30 second TV commercial 'AFTERLIFE' is an advertisement for the movie FLATLINERS. It is a suspense thriller and a sequel to the 1990 Hollywood thriller of the same name. The advertisement features 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:

*These trailers are very inappropriate being screened during 6pm and 7.30pm. Children should not be exposed to this! Especially as its school holidays are on in NSW.*

*This advertisement is scary with themes of death and mild horror. This is not an appropriate advertisement to be played during Survivor which is enjoyed by many children including my 8yo and 5yo children. Survivor is an interesting, fun and strategic game which my children love to watch. The themes conveyed in Survivor in no way align with the themes conveyed in the Flatliners trailer. Due to the insistence of Channel 10 to play scary M rated movie trailers during a PG rated show, my children are now familiar with the drill of covering their eyes and ears as horrible, scary images flash in front of them without warning during the ad breaks of their favourite show. I am so sick of this situation. No wonder our society has so many problems with irresponsible programming of M rated content during PG rated*

*timeslots and shows. It is almost impossible to protect our children anymore. I think after Survivor is over we will be giving Free to Air TV a miss - time to stick to Netflix.*

## **THE ADVERTISER'S RESPONSE**

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

*All TVC's were submitted to CAD for rating before being delivered to the TV stations, as per regulation. The TVC was 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 30 second TVC 'Afterlife' on September 18, 2017.*

*TVC Name: AFTERLIFE 30  
Key Number: SPRFL304T  
CAD Rating: J500JEPE  
CAD Reference no: 2122433*

*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".*

*Network Ten have confirmed the TV commercial in question, 'Afterlife' aired during the program 'Survivor' on September 25, 2017 which is a PG rated program, and therefore adheres to the CAD guidelines.*

*The online advertisement for FLATLINERS does not breach any part of Section 2 of the AANA Code of Ethics. It does not discriminate, exploit or degrade any individual. It does not employ sexual appeal that is exploitative, use obscene language, nor does it 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 commercial does 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 Free to air 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. There is a woman playing the piano who has developed the skills after the death experience. A woman is seen driving and plastic is put over her face by an assailant in the backseat. Toward the end of the advertisement, a car is seen flying off a bridge.

The Board noted the advertisement for the version title Afterlife 30 – key number SPRFL304T had been given a J rating by CAD based on their content ([http://www.freetv.com.au/media/CAD/Placement\\_Codes.pdf](http://www.freetv.com.au/media/CAD/Placement_Codes.pdf)). The Board noted the advertisement was aired at the appropriate time for the rating given.

The Board noted that the movie itself is an M rated movie and 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 noted it had previously upheld complaints for advertising for the same movie with different versions of the advertisement that was aired via ON Demand television (0433/17). In that case 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 in the previously considered case (0433/17) the scenes were too confronting for placement during the program Little Big Shots.

In contrast to the previously considered case, the Board noted in this case, the overall tone of the current advertisement was milder and considered that the content is relevant to the advertised product and that the level of implied violence as well as the use of scary scenarios was not overly violent.

The Board determined that this version of the advertisement, in the context of the free to air television J classification did not 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 the glamourised risk taking behaviour was unacceptable 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.

The majority of the Board however, considered that the overall impression is that the risk taking behaviour is glamorous but any consequences are highlighted, and in the context of a horror movie this is not inappropriate.

In the Board’s view, the current advertisement aired on Free to air television did not depict material contrary to Prevailing Community Standards on health and safety and did not breach section 2.6 of the Code.

Finding that the advertisement did not breach the Code on any other grounds the Board dismissed the complaints.