



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0458/18
2	Advertiser	Universal Pictures
3	Product	Entertainment
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	24/10/2018
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 Graphic Depictions
- 2.3 - Violence Violence
- 2.3 - Violence Weapons

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features scenes from the horror movie 'Halloween'.

THE COMPLAINT

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

My 11 year old asked if we can complain about the movie being advertised during Home & Away because she is so scared she has to leave the room each time the ad comes on the TV.

Whilst there is no violent activity in the trailer, this trailer is somewhat scary for young children and I've been surprised to see this trailer many times aired during time slots





when young children are still awake. I don't believe it is something that should be aired before 8:30pm.

Advertising a frightening movie with horror images at an early time. Deeply distressed my 10 year old son. Images included man welding a knife, people running and awful image of man's face done up like a zombie. Shocking.

I object to this ad being shown at 6.30pm as many children are awake at this time so it's not appropriate to show an ad for a movie recommend for over 15 year olds.

Content far too confronting and frightening to be aired before 8:30pm, the time which concludes the Children's Television Standard (safer) daily viewing period.

This was quite a scary movie trailer and I feel 6.40pm is far too early to have this on. My 6yo was sitting with me while we were watching the ads between 7 news when it came on. He gets nightmares easily so I have to be careful what he watches. I wouldn't think a trailer like that should be on before 7.30pm at the earliest. I did not think it was an appropriate time to be shown on free to air tv

THE ADVERTISER'S RESPONSE

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

The below response is in relation to the complaints received regarding the UNIVERSAL PICTURES advertising for HALLOWEEN, specifically in regards to the TVC advertisements depicting violence which causes alarm and distress to Children.

Universal Pictures International Australasia adhere to the AANA Advertiser Code of Ethics.

Section 2.3 of the Code states "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised."

Halloween is a horror film which contains numerous scenes which could be scary in nature and suspenseful. It would therefore be reasonable to justify that our advertising materials have been produced within the context of the product being advertised.

Universal Pictures strive to advertise films of this content in a manner that remains appropriate for all consumers.

All advertising content from Universal Pictures is broadcast on FTA TV once rated by



the Commercials Advice Board which is industry compliant with the advertising standards code of conduct.

To ensure due diligence, prior to activity going live IMD (on behalf of Universal Pictures) liaises with CAD to obtain approval on the HALLOWEEN TVC spots.

Universal Pictures produced a number of TV spots for the HALLOWEEN TV campaign and each spot was classified by CAD - the TV spots in question received a J rating (attached are the key number/material instructions which were provided to the TV networks)

In this instance, we obtained CAD clearance to display the advertisement according to the guidelines provided for a J rating.

The following approval was obtained by Universal Pictures from CAD:

Parental Guidance/Warning "J" Definition: Parental Guidance Recommended/Care in placement 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 above CAD guidelines were adhered to and the spot was cleared for broadcast at any time of day except in P or C rated programming.

Universal Pictures and MediaCom exercised care with the planning and selection of the TV schedule and focused on programming that reaches our intended 16+ audience group.

Please also note that all advertising materials for this film have displayed the CTC (Check the Classification) logo for the required duration and have now been updated with the MA15+ classification and corresponding advice: MA15+ – Strong horror themes and violence

We apologise for any distress caused and would like to reassure all parties involved that we have adhered to all required standards and the industry code of conduct in relation to the advertising materials and placements for this film.

Please let us know if you require any further substantiation.

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 menacing and 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 two versions of the television advertisement which featured various scenes from the movie 'Halloween'. They were a 15 second version (ad 1) and a 30 second version (ad 2). The Panel noted that both 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 frightening 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 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 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 this advertisement was for a film classified MA15+, and noted that both 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 the advertisement contained a number of scenes with violence or which contained menace, including:

- Various scenes showing the killer's face, a frightening mask



- Child in bed, woman opens closet to see killer with knife (in ad 2)
- Use of words kill/killing/murder (1 in ad 1; 3 in ad 2)
- Depiction of a knife (1 in ad 1; 3 in ad 2)
- Depiction of a gun (3 in ad 1; 4 in ad 2)
- A woman in the shower, curtain opening to show killer (in ad 1 and 2)
- A flashlight showing a child's bedroom (in ad 1)

In particular the Panel noted a scene shown in ad 2 of a child in bed asking an adult to check their wardrobe. When the wardrobe door is opened the killer is standing with a knife.

A minority of the Panel noted that the advertisement implies violence but considered that there is no depiction of anyone being attacked and no depiction of blood or gore bar one scene showing a man with a head injury and blood on his face. The minority considered that although there is a suggestion of menace, it is not unjustifiable in the context of the product.

The majority of the Panel considered that the advertisement has a high level of menace, particularly for a broad audience that would include children. The majority considered a scene depicting an adult opening a child's closet door to show the killer is a particularly menacing scene for children, who can often be concerned about the concept of a monster hiding in the closet or under the bed. Additionally, the Panel considered that the scene showing the killer opening the shower curtain was frightening.

The majority noted that there is a strong suggestion of killing, with several instances of "kill", "killing" and "murderer" being said. The Panel considered that the depiction of weapons in combination with the use of such words lent to the high degree of menace in the advertisement.

The Panel noted that the advertisement has several scenes showing the killer walking across the lawn or showing just his face, and considered that although these scenes may be scary, they are directly relevant to the product and are a justifiable depiction.

The Panel acknowledged that some level of violence and menace is justifiable in the context of advertising a horror movie, however considered that the level of violence and menace in this advertisement, particularly relating to scenes showing the killer in the wardrobe and the shower exceeded the amount which most members of the community would consider to be justified, particularly in the context of the free to air television J classification.

The Panel determined that the advertisement 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

As stated previously, the below response is in relation to the complaints received regarding the UNIVERSAL PICTURES advertising for HALLOWEEN, specifically in regards to the TVC advertisements depicting violence which causes alarm and distress to Children.

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We apologise for any distress caused and would like to reassure all parties involved that we have adhered to all required standards and the industry code of conduct in relation to the advertising materials and placements for this film.

Please note that all TV spots are now off broadcast and the campaign is finished.

Please let us know if you require any further substantiation.