



Case Report

1	Case Number	0463/17
2	Advertiser	Universal Pictures
3	Product	Entertainment
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	25/10/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.3 - Violence Causes alarm and distress
- 2.3 - Violence Causes alarm and distress to Children
- 2.4 - Sex/sexuality/nudity S/S/N - nudity
- 2.5 - Language Strong or obscene language

DESCRIPTION OF THE ADVERTISEMENT

Advertisement shows scenes from the movie including a a girl screaming and a person with a mask.

THE COMPLAINT

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

*Watching tv with children and teens and the ad is highly inappropriate for before 8.30pm one 12 Year old having nightmares from seeing the ad one time
This ad shows a graphic, violent horror movie. The movie contains graphic violence, strong language, crude sexual references, drug use, and drinking. It's about a young girl who is gruesomely murdered over and over again. She wakes up day after day and gets murdered in different gruesome ways. Definitely not appropriate for 8.30pm. It gave me and my children nightmares. Apparently the movie is rated PG but it is a horror movie that should be rated MA and the ads should only be on after 10pm.*

*My 9 year old son was terrified by the content as it appeared before the 8:30 water shed. It contained graphic images of supernatural doll like horror content.
The clips were carefully orchestrated to show emerging violence - particularly the beginning*

of a strike with a swinging object that was enhanced with an impact sound, clearly depicting a violent end to the victim.

This was staged and shown multiple times in the time slot from approx 7:45 to 8:30 pm in between a family show of Survivor.

My son has suffered nightmares about it and was unable to settle for bed time as a direct result.

I notice similar complaints against the advertising of 'IT' - raising the question - is the Advertising Standards Bureau protecting young children well enough and if the 'code' has not been breached, when will you change the code to correct horror sequences shown before 8:30 ?

Horror themes and images should not be shown right as we are putting the kids to bed - awful sound and images. I hate seeing them and my 10 & 13 year olds were terrified. We love watching survivor together and there aren't many good family shows left these days.

It was extremely frightening for children.

It is currently school holidays and my 8 year old son is still awake at 8.30pm! The ad for the movie came on that last night and he was up all night with nightmares! Please remove and or put at a much later time. Thank you

It is frightening to my kids and is shown with no warning! Awful violence that is disturbing my child's sleep. Children are watching family shows, with their parents!

Horror films should not be shown in this time. My 10 year old son doesn't want to sleep alone this week after seeing this as earlier in the week.

Tonight I saw it with him. A mad man in a mask stabbing innocent women in the dark...

A current affair and the news also show lots of stories about murders and stabbing a when children are watching television in the early evening.

Why are these films and clips not shown after 8.30/9pm? Do children need to be subjected to this type of tabloid horror and advertising for Mature films?

Isn't there a watershed time?

The movie promotion was entirely inappropriate for a 7.50 PM time slot, showing violence, scary and disturbing scenes inappropriate for my 7 and 11 year old children to be exposed to. It was clear that the male figure was attacking the female character. It was absolutely a disgusting thing to be shown during a PG or G show. And it kept going on and on with scary and disturbing scenes.

My children of 6, 9, 12 and 13 were watching Survivor on channel 10 with my husband and I. Survivor was nearing the end and went to one last ad break. The ad for the above movie was scary and not appropriate for my children to see, particularly the younger two. Should not have been advertised during a show watched by families, even if the last ad break may just have bridged into the next time frame for advertising censorship i.e. 8.30pm? My younger two children were disturbed by the content they saw. This ad should not have been broadcast during Survivor, or channel 10 should have ensured survivor finished by 8.30pm so as not to blur the appropriateness of the advertising.

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 HAPPY DEATH DAY, 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.”

Happy Death Day is a teen thriller film which contains numerous scenes which could be scary in nature. 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 HAPPY DEATH DAY TVC spots.

Universal Pictures produced a number of TV spots for the HAPPY DEATH DAY 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 M classification and corresponding advice: M – Mature themes, Horror themes, violence, sexual references and coarse language

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.

We would also like to inform the board this TV campaign finishes tomorrow from broadcast.

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 there were two versions of the advertisement of varying lengths. A 30 second and a 15 second version. The Board noted the advertisements feature scenes from the new movie, ‘Happy Death Day’ which is currently airing in cinemas. The advertisements include scenes of a car explosion, a woman firing a gun and a masked person with a knife.

The Board noted the advertisement for the free-to-air versions were given a J rating by CAD based on their content (http://www.freetv.com.au/media/CAD/Placement_Codes.pdf). The Board noted the CAD rating does not apply to Pay TV.

The Board noted that the movie itself is an M rated movie.

The Board noted that the movie is based on a ‘ground hog day’ scenario where the young woman repeatedly has the same day – her birthday. The Board noted the scenes from the movie included in the current advertisements are not especially graphic or gory but contains mildly violent images (such as a masked person holding a knife and the woman firing a gun).

The Board noted the advertisements do not show graphic or violent scenes and includes fast paced images of things happening to the woman as she decides to work out who is responsible.

The Board noted that the depiction of the young woman screaming and facing the masked person and the word appearing on screen - DIE - are all relevant to the advertised product and are intended to 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 may cause alarm to some children.

The Board noted it had previously dismissed complaints for the same advertisement on Pay

TV – 0444/17.

Similarly in the current case, the Board considered that the visuals were not menacing and determined that this advertisement, in the context of Pay TV did not breach Section 2.3 of the Code.

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