



Case Report

1	Case Number	0465/17
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	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

DESCRIPTION OF THE ADVERTISEMENT

The ad showed an adult movie called The Snowman which is a thriller, serial killer movie. In the US this movie is rated "R". It showed some of the story line, and a dead body

THE COMPLAINT

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

Showed a frame of a deceased person. Showed a frame with a person's body in pieces.

*Inappropriate advert to be shown to young children. My daughters age 3 and 8 have seen these ads and have nightmares. The teacher at my daughters school (grade 2) had to have a serious discussion with the whole class today about this matter as students were talking about these shows and some of the student were terrified!
Absolutely inappropriate to show these types of ads!*

This movie is rated R. This is not an appropriate time slot to advertise this film. My 4 year old daughter was watching television with me and was frightened the images shown.

It was shown during a Children based programme called Little Big Shots, which my kids and I were watching. The ad showed an adult movie called The Snowman which is a thriller,

serial killer movie. In the US this movie is rated "R". It showed some of the story line, and a dead body. I feel it was totally inappropriate for the time slot and during a light family entertainment programme.

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 THE SNOWMAN, 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."

The Snowman is a 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 THE SNOWMAN TVC spots.

Universal Pictures produced a number of TV spots for the THE SNOWMAN 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.

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 has finished 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 suspense/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, a 30 sec and a 15 sec version aired on Free to air Television, featuring scenes from the new movie, ‘The Snowman’ which is currently airing in cinemas. The advertisement included scenes from the movie with a man and a woman who are investigating the disappearance of women in the snowfields. The 30 second version includes a brief scene at the beginning of a body lying face down in the snow with limbs that have been cut into pieces.

The Board noted the advertisements had been given a J rating by CAD based on their content meaning 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 and C periods. Exercise care when placing in programs principally directed to children. (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 however, the Board noted that one of the programs where this advertisement was shown Little Big Shots. The Board noted it had previously considered that this program would have a large child audience.

The Board noted that the movie itself is an R rated movie and that the scenes from the movie included in the current advertisements are not especially gory but contains violent images such as a dead bodies, a woman being trapped by an animal trap and explosions and fire.

The Board noted the 30 second advertisement does show a fleeting image of a dismembered body in the snow.

The Board noted that the depiction of the police man and woman and the lady being captured in conjunction with 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 similar movies IT 0408/17 and Flatliners 0433/17 that were aired via ON Demand television. In both cases 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.

Similarly in this case, the Board noted the overall tone of the current advertisement was scary and although the content is relevant to the advertised product, the level of implied violence was reasonable except for the image of the body lying in the snow, where the dismembered arm and leg are visible. The Board considered that this scene was very violent.

The Board determined that the 30 second version of 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.

The Board determined that the 15 second version did not include the same scene of the body in the snow and did not include the same level of violent content and did not breach section 2.3 of the Code.

Finding that the 30 second advertisement did breach Section 2.3 of the Code the Board upheld the complaints.

THE ADVERTISER'S RESPONSE TO DETERMINATION

The 30” and 15” TV Spots for The Snowman theatrical release were approved by CAD and placed with TV networks according to their guidelines.

We have since ceased all advertising on TV for the Snowman theatrical release.

