



## Case Report

1	Case Number	0521/17
2	Advertiser	Telstra Corporation Ltd
3	Product	Telecommunications
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	06/12/2017
6	DETERMINATION	Dismissed

### ISSUES RAISED

2.3 - Violence Causes alarm and distress

### DESCRIPTION OF THE ADVERTISEMENT

The advertisement shows features of the new "Telstra TV." There are scenes from various programs and movies. One scene shows a zombie character and a family on a lounge watching. The mother covers the eyes of the boy as this appears.

### THE COMPLAINT

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

*Towards the end of the ad some people are seen looking up the show 'the waking dead' on their tv. Then a zombie is shown screaming in someone's face on the show. My kids saw this and were quite frightened because of the scary, graphic nature of the zombie. This ad should not be on when young kids are up watching tv. Thanks*

*They were advertising a range of programmes and they used a scene, maybe from 'The Walking Dead' where there was a zombie-like character screaming in the face of a person. My 5 year old was watching with me and I believe it is extremely unnecessary and inappropriate to show that type of content in this time slot.*

*We are watching grand tour.. yes its 9.15pm but we dont like watching horrible shows.. ad*

*comes on about telstra and netflix and foxtel and how it can connect you. . Then all of a sudden a snippet of I think it was THR WALKING DEAD comes on.... SCARED THE LIFE OUT OF ME... I'm going to have nightmares now because of this.. is needs to go...*

## **THE ADVERTISER'S RESPONSE**

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

*The focus of the advertisement, entitled 'Introducing the new Telstra TV' is to showcase the latest entertainment a Telstra customer can experience through the new Telstra TV. The scene of the TVC that is the subject of the complaint relates to a clip of footage from the show "The Walking Dead", featuring a fictional zombie character interacting with another character from the show.*

*The ASB has raised Section 2.3 of the Australian Association of National Advertisers ('AANA') Code of Ethics ('Code') as the applicable section in the context of this Complaint:*

*'Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised'.*

*Telstra submits that the advertisement does not breach Section 2.3 of the Code as it does not present or portray violence. Zombies are fictional deceased people who have partially returned to life. They are usually portrayed in a near-mindless state and they lack emotions, personality and the sensation of pain.*

*The purpose of the advertisement, titled "Introducing the new Telstra TV" is to showcase the features and breadth of content available on the latest Telstra TV entertainment streaming device which enables customers to easily search for and watch their preferred show across free to air, catch up TV and major streaming services such as Netflix, Stan and Foxtel Now. There are a number of clips featured in the advertisement, from a wide range of entertainment genres to demonstrate the breadth of content that can be streamed using a Telstra TV device. Specifically, the "The Walking Dead" clip is used to depict an example of a popular TV show that a customer can stream using their Telstra TV device. The Walking Dead clip runs for less than 2 seconds and the zombie character does not make direct eye contact with the audience; the scene is of mild impact to viewers with no violent behaviour present. In contrast, approximately 87% of the TVC run-time is dedicated to demonstrations of the Telstra TV search function and content that can be streamed from the device.*

*Telstra asserts that a reasonable consumer would understand that the clip from the show, The Walking Dead is merely included to demonstrate that a Telstra customer can stream this particular show using the new Telstra TV and that this content is an extract from the show, and is not content developed by Telstra. The advertisement is not intended to, and Telstra says does not, present or portray violence. For the reasons above, the primary focus of the advertisement, being the functionality of the new Telstra TV and breadth of available content, does not depict material that goes against Prevailing Community Standards on Health and Safety.*

*Telstra takes these complaints very seriously and did not intend to cause any offence to the*

*complainants.*

## **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 television show “The Walking Dead” which is of graphic nature and is violent and inappropriate.

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 features a family of three, two adults and one teenage boy sitting on a couch watching T.V and is for the “New Telstra T.V”. Images are then displayed of Zombie like characters that appear to be from the TV series “The Walking Dead”. At this time, the female actor in the advertisement covers the eyes of the teenage boy.

The Board noted the advertisement for the free-to-air versions were given a G 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 that the product being advertised is for the “New Telstra T.V” it is clearly identifiable that the family are watching a series of advertisements and related products that are available in conjunction with the product being advertised. The Board noted that the Zombie like images displayed on the television screen are fictional and from the television series “The Walking Dead”.

The Board noted the complainant’s concern that the footage of zombie like characters is “extremely unnecessary and inappropriate”.

The Board noted that the focus of the advertisement is not intended to be on the footage shown from the television series “The Walking Dead” but rather on the capability of the advertised product itself. The Board considered that the duration of the footage shown of fictional zombie characters is extremely short and is not graphic or violent.

The Board considered that most members of the community would be able to easily discern that the images are being viewed in their capacity as fictional characters and the advertisement is not promoting or encouraging violence and considered that the depiction was fleeting, relevant to the advertised product and not overly graphic

In the Board’s view the advertisement did not present or portray violence that was unjustifiable in the context of the product advertised and 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 complaint.