



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0530/16</b>
<b>2</b>	<b>Advertiser</b>	<b>Icon Film Distribution Australia</b>
<b>3</b>	<b>Product</b>	<b>Entertainment</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>07/12/2016</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.3 - Violence Causes alarm and distress to Children

## DESCRIPTION OF THE ADVERTISEMENT

This television advertisement, promoting the release of the feature film, Hacksaw Ridge, features scenes from the film which includes wartime battle with soldiers blown up. The final on-screen text reads, "FaithofDoss.com".

## THE COMPLAINT

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

*This movie is rated MA and is about the war and shows violence and blood which is not necessary at this time of the day and especially on children's tv shows not at all appropriate. My kids don't watch the news or anything violent and this shouldn't be shown. Because it is an R rated film being advertised during a PG rated children's show in an early evening timeslot. Not appropriate scenes for a young audience.*

## THE ADVERTISER'S RESPONSE

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

*The 30" TVC relating to the complaints made to the ASB was promoting the release of a feature film for which the subject is the true story of a soldier who fought and saved lives at the Battle of Okinawa during World War II. As such the content of the ad was comprised of*

*scenes from the film which depict battle scenes during war.*

*The ad represents the story of a hero and does not contain any references to discrimination or vilification as part of its message. No exploitative or degrading messaging or imagery is used during the duration of the spot. The violence is limited to the depiction of the war scenes in the film. Sex, sexuality and nudity are not used in the context of the spot and there are no uses of any offensive language. The imagery in the ad is taken from the film and depicts wartime battle scenes which are not promoted in a positive light, but rather used to show the degree of bravery of the hero of the film who repeatedly risks his own life to save others from the battlefield.*

*The 30" spot in question was created as a variant of the campaign on behalf of and supplied to the Seventh Day Adventist Church for them to feature in a paid media campaign that they had booked with Channel 9 / NBN. They were provided with details of the spot's CAD rating to supply to the agency /channel. Icon Film Distribution arranged the delivery of the spots, along with their CAD rating information, directly to the NBN and Channel 9 hubs.*

*Icon Film Distribution did not have direct contact with the agency used by The Seventh Day Adventist Church and is awaiting confirmation of this information from them.*

*Whilst Icon did not book, view or approve the schedule that saw this TVC placed during the program that caused offence, it should be noted that the TVC in question had a "J" rating from CAD. This enables it to be placed in all programming excluding P and C rated shows.*

*Both complaints registered with the ASB pertained to the TVC appearing during an episode of Adventure Time which carries a PG rating. Whilst consumers may infer that the animated nature of the programming suggests it to be "children's" or "kid's" programming, as a PG rated show it was, as we understand the new CAD rating guidelines, an acceptable program for a J spot to be placed in.*

## **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 complainant's concerns that the advertisement contained themes of war and violence and was not appropriate for viewing by children.

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 that this television advertisement featured scenes from the film Hacksaw Ridge. These scenes included battle scenes and images of explosions.

The Board noted that the advertisement had been given a J rating by CAD and could be played in PG rated time slots.

The Board noted that the advertisement consisted of multiple scenes of soldiers and explosions and the Board acknowledge that the theme of war could be frightening to young children. In particular the Board noted the fleeting scene where a man was seen on fire after an explosion. The Board considered that this scene and other scenes which contained explosions were very fleeting and not the focus of the advertisement.

The Board considered that the fleeting scenes were not inappropriate in the context of an advertisement for a war movie with a J rating.

The Board considered that the violence depicted in the advertisement was justifiable in the context of an advertisement for a war genre movie.

The Board determined that the advertisement did not breach Section 2.3 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.