



Case Report

1	Case Number	0540/17
2	Advertiser	Warner Village Theme Parks
3	Product	Entertainment
4	Type of Advertisement / media	Cinema
5	Date of Determination	06/12/2017
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

- 2.3 - Violence Causes alarm and distress
- 2.3 - Violence Graphic Depictions

DESCRIPTION OF THE ADVERTISEMENT

The advertisement promotes a Halloween-themed special event called “Fright Nights” conducted at Warner Bros. Movie World on the Gold Coast, Queensland. The advertisement depicts the main character, a young woman, in what is essentially a dream sequence. References to and replicated scenes from several horror movies including but not limited to ‘Halloween’ and ‘Saw’ that have been used as inspiration for walk-thru maze attractions that are to be experienced at the “Fright Nights” events.

THE COMPLAINT

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

The advertisement featured graphic scenes depicting abduction, physical and sexual assault (including choking) and cuts away from scenes that indicate the future rape and murder of a young woman. The advertisement also displayed a dead body in a scene where the woman is chained and close to being killed by a saw.

It promotes extreme violence, including sexual assault, and attempted rape and murder against women. I do not think it should be shown at all, let alone at 6pm before a MA15+ rating. When looking for information to lodge this complaint I found similar video content online at <https://frightnights.com.au/>. This site can be accessed by people at any age searching for theme park information at Movie World.

I suggest that Movie World:

- withdraw all Fright Night advertisements across all mediums*
- that key decision making staff undertake relevant education on domestic violence and assault against women*
- that Warner Brothers provide financial support to a domestic violence prevention organisation or similar womens' refuge, and*
- issue an apology.*

THE ADVERTISER'S RESPONSE

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

The advertisement is entitled "Fright Nights" which topic/title provides potential viewers with an indication that the video will be of a frightening/horror type genre. The theme, visuals and language used are reminiscent of movies of the 'Horror genre' which is the essence of the Fright Nights events being promoted.

The advertisement is based on a 'dream sequence' we are in the mind and imagination of the lead female character. It is respectfully submitted that the images contained in the advertisement (although acknowledging they have caused offence to the complainant) do not depict violent acts that would cause concern, distress or harm to reasonable members of the community in the light of generally prevailing community standards as to what is likely to cause serious or widespread offence taking into account the context, medium, audience and product in question here. The matters portrayed in the advertisement are linked to and justifiable in the context of the product advertised – "Fright Nights".

VRTP refutes any claim suggesting the material in the advertisement indicates the female character was raped. Any suggestion she has been/is going to be raped is with all due respect a subjective assumption by the complainant and was certainly not the intention nor do we believe was conveyed in any way in the advertisement.

The CAD rating of this advertisement is M recommended for viewing only by persons 15 and over. Our advertising agency has investigated and spoken with Val Morgan (Cinema Advertisers) and confirmed that the airing of the Fright Nights commercial was within their advertising parameters and guidelines.

In this instance the complainant said they viewed the advertisement at 6 pm prior to a movie screening with an MA15+ rating. The advertisement is not targeted to children by the very nature of the theme, visuals and language used.

Our understanding is that the Fright Nights advertisement has only appeared prior to selected moves rated M and above. It primarily aired in conjunction with movies rated MA15+.

Val Morgan have confirmed that cinema advertising is not classified by time of day and only by film classification/genre. Unlike Television where there are CAD classification and placement requirements, cinema does not operate in this manner. The films the advertisement aired with are those expected to attract and older/adult audience. Placement of this type of

commercial is according to OMD ; 'very closely monitored by Val Morgan to ensure this is the case'. Our understanding is that the commercial did not appear with any inappropriate titles outside of the correct classification as per Val Morgan policy and would have also included horror film trailers as part of the pre-show entertainment.

VRTP believes the advertisement is justifiable based on the product being marketed and the content should not reasonably provoke feelings of the nature described by the Complainant given the context in which they are presented and the brevity of images in the video.

VRTP and its advertising agency are conscious and respectful of the AANA Code of Ethics and prevailing community standards in respect of the use and portrayal of violence in advertising and ask the Board to review the advertisement in its entirety when determining justification.

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 graphic material from various movies which was violent and inappropriate particularly before the screening of Blade Runner – an M rated movie.

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 is a promotion for "Fright Night," a Halloween themed event held at Movie World on the Gold Coast. The advertisement features a young woman in various settings that are part of a dream. There are pieces of footage from movies such as Halloween and JigSaw.

The Board noted that the advertisement was aired ahead of the 6pm screening of Blade Runner 2049 and that this is a Science Fiction genre movie rated MA 15+.

The Board noted that the product being advertised is the Fright Night event and that this event is a themed scare night at Movie World and that the event involved characters dressed up and wandering around the park scaring the people who attend.

The Board noted that the advertisement does not make it clearly identifiable until the very end of the advertisement that the promotion is for the Fright Night event and that it is also not clear that that girl is having a dream.

The Board noted that there are scenes in the advertisement that show the girl being restrained and stabbed in the stomach and images of a person chained and dragged being pulled towards moving blades unable to get free.

The Board noted that although the scenes are from movies, they are very graphic and depict material that is gory and violent.

The Board noted the complainant's concern that the advertisement shows scenes of future rape and murder of the young woman. The Board noted that the focus of the advertisement is intended to be on the promotion of the event and that there is nothing to indicate that the girl is going to be raped however she is violently stabbed in the stomach and woken to a scary figure in her room.

The Board considered that overall the advertisement and in particular the scene of the girl being stabbed and chained by her helmet was a depiction of violence that was not closely relevant to the advertised product which is a Theme Park – not a movie. In the Board's view the advertisement depicted high level violence that was not justified by the promotion of theme park entertainment and determined that this advertisement, ahead of an M rated movie did present a level of violence that was not justifiable in the context of the product or service advertised and did breach Section 2.3 of the Code.

Finding that the advertisement did not breach the Code on any other grounds the Board upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

I refer to the matter above and advise that the advertisement in question has been removed from circulation on our website and in all other forms of media.

VRTP takes this matter very seriously and has passed on the determination to the relevant stakeholders in the business. We will counsel our creative people with respect to community attitudes regarding violence and hopefully create advertising in the future which sits more comfortably with the viewing public.