



CASE REPORT

- | | |
|-------------------------------|---|
| 1. Complaint reference number | 101/09 |
| 2. Advertiser | Universal Pictures (Unborn) M rating |
| 3. Product | The Unborn Movie |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Violence Other – section 2.2
Other - Causes alarm and distress |
| 6. Date of determination | Wednesday, 8 April 2009 |
| 7. DETERMINATION | Upheld – discontinued or modified |

DESCRIPTION OF THE ADVERTISEMENT

The movie trailer commences with a M rating detailing horror themes and infrequent coarse language. The trailer shows images of a small boy, girls talking, then many people in a crowded bar. In the bar images of the boy are shown again. The small boy is shown in a number of poses with eyes wide open, mouth open. Screen shots are very close up to the boy. The voice over refers to the character being haunted by her deceased unborn twin brother.

Various other images of characters are shown, with images of the boy interspersed. An image of a dog with its head upside down is shown. The image of a man walking on all fours with his head upside down is also shown. Final image shows a black man screaming as trailer cuts to film details.

THE COMPLAINT

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

I would like to complain about the movie trailer currently screening on Free to air chanel "The Unborn".

I find this trailer disturbing. Where is the warning preceding the trailer that some people may find this content disturbing? The content and placement of this commercial is totally inappropriate. The trailer contains technicolour strobing effects and solarisation/inverting of colours which is very grabbing visually and so abrupt that you cannot look away. Surely this falls within the realm of ultra high speed editing which is not allowed? Please advise. The disfigured creatures and people portrayed are also very scary and I object to the horror content in the timeslot it is shown. Surely this is not fit for mainstream viewing and I object to it being on my TV! Even more worrying, I have seen the placement of the add during The Simpsons (when my young children have been watching. This is totally unacceptable to me. This trailer has even affected my sleep. The residual images that have been forced upon me during my family viewing time have given me nightmares!

I demand to see this trailer removed from broadcast. Please advise the date that this trailer is removed from circulation so we as a family can watch TV without fear of inadvertent exposure to these disturbing images.

It is very scary and shows far more than is necessary for a movie trailer. I choose not to go to these types of movies as I have nightmares but the images displayed here are of a demonic child attacking a women. It is clear to see and shows the child frequently. If my child was to wonder out of bed when the ad was on it would cause extreme stress, as it shows death and killing.

The ad was shown during the middle of a childrens movie called "Yours, Mine Ours". I think this movie may have had a PG rating (really not sure), but there certainly was no horrifying images for a 3.5 year old, and thats why we were all watching it together as a family. The the ads came on just before 8.30pm, including an ad for the new movie "The Unborn". There were some horrifying

images shown from this movie. I, as an adult, found the images to be disturbing, so I can only imagine what my 3.5 year old will imagine in his dreams tonight. I cant believe that ads like this cannot wait to be shown until after a childs movie has ended. Disgraceful.

I feel the graphics and terror in the advert are beyond what should be allowed on television. If people want to see movies like this, then great, its their choice but viewers of television should not be subjected to the fright and after effects of seeing the grapically terrorising images. I am not a prude or typical copmplainer. I do not watch horror movies as they scare me too much and this advert (as all trailers) squeeze as much of the highlights or horror into a 15 or 30 sec ad. Id like to hear if more people have complained about this? Im 37 and it scares me -hate to see what happens to youngsters who happen to see it???

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

All commercial activity for the Unborn was approved by CAD. The Film was rated M (15+). All placements booked were within the required parameters specified by CAD. Both Mediacom and Universal pictures operate strictly within the guidelines provided by CAD to ensure that the ad material is appropriate for its timeslot and the audience viewing. In the attached details, 4 / 6 complaints referred to placements within programs which ran post 9pm and majority were rated M. In the other 2 instances the ads appeared earlier, however still within CAD classification guidelines. The TVC is no longer on air and there are no plans for this to be played again.

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 content and themes of the advertisement were disturbing and, in particular, that it was inappropriate for younger viewers. The Board considered whether the advertisement breached Section 2.2 of the Code, which 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 depicted graphic and frightening images and agreed that the content and themes would be disturbing to some viewers. The Board noted that the presentation of children in the advertisement made it even more impactful. The Board therefore concluded that the advertisement did present or portray violent images.

The Board then considered whether this depiction was justifiable in the context of the product or service advertised, as required by Section 2.2 of the Code. The Board noted that the product being advertised is a horror film, with a mature (15+) rating and that the scenes depicted in the advertisement were taken directly from the film. However, the Board also noted that in determining whether or not any violence portrayed in an advertisement is justified in the context of the product, the Board must consider whether the violence portrayed was reasonable and proportionate.

In this case, the Board considered that the content presented in the advertisement went beyond what was justifiable for the purposes of advertising the film, particularly having regard to the accessibility for younger viewers in the earlier timeslots in which the advertisement screened.

The Board therefore determined the advertisement breached Section 2.2 of the Code, and upheld the complaints.

ADVERTISERS'S RESPONSE TO THE DETERMINATION

Comments which the advertiser made in response to the determination regarding this advertisement included the following:

Universal Pictures Theatrical confirms this has been off air for sometime now and will not be on

air again. I have also advised our DVD dept of the issue.