



CASE REPORT

1. Complaint reference number	187/98
2. Advertiser	Three Triple RRR
3. Product	Media
4. Type of advertisement	Cinema
5. Nature of complaint	Violence Other – section 2.2
6. Date of determination	Tuesday, 13 October 1998
7. DETERMINATION	Upheld – discontinued or modified

DESCRIPTION OF THE ADVERTISEMENT

The Advertising Standards Board ('the Board') viewed a series of three advertisements. All three advertisements used a similar setting and theme, namely a room in which a person is held captive (bound and gagged and obviously terrified). In the first two advertisements the person being held captive is male. In all three, a 'torturer' enters the room. In the first, the 'torturer' clad in black leather produces a piano accordion which he/she proceeds to play to the discomfort of the person who screams and struggles. In the second, the 'torturer' is holding what initially appears to be a cord in his hand. It is in fact a Karaoke machine cord and the 'torturer' proceeds to sing 'I do like to be beside the seaside' to the discomfort of the person. Both advertisements end with the words (male voiceover) 'Subscribe or die a miserable death.'

In the third advertisement, the person being held captive is a young woman. The 'torturer' in this case enters the room dressed in dark trousers and blue shirt. He gestures that the woman should be quiet (saying 'Shh') and, smiling, he produces a saw. The woman is clearly terrified and screaming as he sits down near her and proceeds to produce 'music' by 'playing' the saw with what appears to be a bow. This advertisement concludes in the same way as the first two, namely, with the voiceover, 'Subscribe or die a miserable death.'

THE COMPLAINT

The complaint received related specifically to the third advertisement in the series. Comments the complainant made about this advertisement included:

'...appalled by a violent tasteless ...advertisement. The weak joke that followed did not nearly match the horror of the opening scene in its intensity. (Even if a young man had been substituted for the girl, the effect would still have been quite unacceptable)...Nothing excuses this vicious sadism and I could not believe that someone would feel that this creation could be viewed as harmless fun/homage to our collective knowledge of human violence – as an educated, aware woman I was sickened...'

THE DETERMINATION

The Board considered whether the series of advertisements breached Section 2 of the Advertiser Code of Ethics ('the Code'). The Board determined that the first and second advertisements in the series did not breach Section 2 of the Code.

However, the Board determined that the third advertisement in the series (showing the young woman being held captive and the man 'playing' the saw as a musical instrument) portrayed an unjustifiable level of violence in the context of the product advertised. The Board determined that this advertisement breached Section 2.2 of the Code and upheld the complaint.

Section 2.2 of the Code states:

‘Advertisements shall not present or portray violence except unless it is justifiable in the context of the product or service advertised.’

In reaching its determinations (that the first and second advertisements did not breach the Code while the third advertisement did constitute a breach) the Board noted that the first and second advertisements in the series were clearly distinguishable from the third.

In this regard, the Board was of the opinion that the third advertisement portrayed significantly more powerful and prolonged images of violence and overt physical threat than the other two advertisements. In addition, the prevailing tone and atmosphere of the third advertisement was literal and realistic in contrast to the first two where the whimsical and ironic atmosphere was apparent relatively early on. The Board particularly noted that:

- In the third advertisement the ‘torturer’ sat very much closer to the captive than in the other two advertisements;
- The instruments used in the first two advertisements were obviously musical instruments and not instruments of torture whereas use of the saw in the third advertisement was equivocal;
- In the first two advertisements, the sound of the music (piano accordion and karaoke) was prominent and accordingly drowned out the screaming sounds. However, in the third advertisement the screams of the woman remained prominent and the ‘music’ a background sound.