



CASE REPORT

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| 1. Complaint reference number | 209/09 |
| 2. Advertiser | Universal Pictures (Unborn) PG rating |
| 3. Product | Entertainment |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | |
| 6. Date of determination | Thursday, 14 May 2009 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement from Universal for the movie Unborn includes scenes from the movie and shows its M rating in the opening shot. Scenes include a young female in her under pants and singlet lying in bed with a male and seeming to search through a house for something, a boy standing in the middle of a road and a body under a sheet rising from a bed. The voice over refers to the character being haunted by her deceased unborn twin brother. At the end it cuts to the film details. This advertisement has a PG rating.

THE COMPLAINT

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

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.

This movie advertiment was put on in a family time slot, if you want to advertise movies in this time slot advertise family movies!!!!!!

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 was significantly milder than the content of the similar M rated advertisement that the Board has previously considered. The Board noted that this version of the advertisement is rated PG and considered that the content was acceptable considering the product advertised and the context of when it was broadcast. The Board considered that the advertisement's depiction of violence was appropriate to the product and the context in which it was broadcast.

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