



CASE REPORT

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| 1. Complaint reference number | 342/08 |
| 2. Advertiser | Network Ten Pty Ltd |
| 3. Product | Media |
| 4. Type of advertisement | Outdoor |
| 5. Nature of complaint | Violence Other – section 2.2
Other - Causes alarm and distress |
| 6. Date of determination | Tuesday, 16 September 2008 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This outdoor advertisement for the television program "Dexter" features a man depicted from the shoulders up, wearing a white shirt and resting his chin on the palm of a hand. Text alongside reads "I'm Dexter and I'm a serial killer."

THE COMPLAINT

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

The poster is advertising a MA program. These posters are situated in areas that have a high level of young students passing by. As a result it may bring alarm & distress to a number of children. It certainly brings alarm & distress to me. And if a child(a previous refugee for example)who had previously witness similar violence (lets say their family or even their mother being murdered)in their former homeland, were to see these posters it would bring up unpleasant memories.

It also glamorizes the serial killer. The poster portrays Dexter as highly intelligent with a wicked sense of humour. Cool! Actually; it's not cool. If people want to watch this stuff on television, fine. But I'm forced to confront this stuff every time a take a trip to the city.

THE ADVERTISER'S RESPONSE

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

TEN takes great care to ensure compliance with the Code, as well as other relevant regulation. The outdoor advertisement promotes a new award-winning TEN fictional television series, Dexter, broadcast on Sunday at 9:40pm, and classified MA or AV in accordance with the Commercial Television Industry Code of Practice depending on the content of the episode.

The program follows the story of a complex character named Dexter, who is depicted in the advertisement. From a young age Dexter has exhibited tendencies towards being a serial killer, but has been taught by his adopted father to repress these tendencies and now leads a 'normal' life as a respected blood spatter expert for the Miami Police. However, Dexter's father, who was also a senior police officer, recognised that Dexter would not be able to repress his urges forever. He therefore taught Dexter to harness his own instincts to track and kill other serial killers, justifying these acts as a form of justice in the interests of the greater good. The show explores the ambivalent moral universe in which Dexter operates as well as the challenge of leading a double life.

The advertisement, including the portrayal of the main character is consistent with the program storyline and these themes and justifiable in the context of promoting the program. The advertisement does not depict any actual violence or injury. Any implication of violence or injury

in the advertisement is restrained and consistent with the program storyline regarding a serial killer. The red smudges suggestive of blood are inexplicit and stylised. The main character is not depicted in a violent or aggressive manner. No weapons are depicted. Hence, TEN submits that the advertisement complies with clause 2.2 and all other relevant provisions of the AANA Advertiser Code of Ethics. TEN submits that the outdoor advertisement is not directed primarily to Children within the meaning of 2.4 of the Code. As such, the AANA Code of Advertising To Children is not applicable. The television program itself is not intended or directed primarily to children but rather is only suitable for viewing by persons aged 15 years or over.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Board considered the application of Section 2.2 of the Code, relating to violence. The Board discussed whether the advertisement could be regarded as presenting or portraying violence. The Board considered this was highly debatable. The Board noted that the image is subtle and that any violence is implied only, having regard to a prior knowledge of the product itself. To this extent, the Board considered the complaint may have been directed more towards the product itself than to the advertisement.

In any case, the Board concluded that any violence depicted in the advertisement was justifiable in the context of the product, being a television series about a serial killer. The Board therefore found no breach of Section 2.2.

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