

Case Report

1. Case Number :	0059-23
2. Advertiser :	Sony Pictures Releasing
3. Product :	Entertainment
4. Type of Advertisement/Media :	TV - Pay
5. Date of Determination	5-Apr-2023
6. DETERMINATION :	Upheld – Modified or Discontinued

WARNING

This case report includes references to suicide which some people may find distressing. If you need to talk to someone you can reach out for help by contacting Lifeline on 13 11 14.

ISSUES RAISED

AANA Code of Ethics\2.3 Violence
AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This advertisement features scenes from the film "The Pope's Exorcist", including:

- A young girl with marks on her body speaking in a deep voice, and the same girl depicted with her eyes changing.
- A mummified body in a cage
- A mummified body on a stone throne
- Flaming paper dropped into a well with skulls lining the sides
- A church window exploding
- A woman in a nightgown diving from a high building, then shown on the ground being held by a man
- A woman shown screaming with black marks on her face, red and blue eyes.



THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

It is 1.30pm on a Saturday afternoon and my 7 year old son is watching football with me, and is subjected to terrifying demonic imagery. I know complaints like this are dismissed in the past but I plead with you to consider that imagery is damaging and causes nightmares, they don't need to see the violent acts in the movie to be impacted. Imagery depicted in this ad is demon possessed hanging upside down on roof. Thanks.

THE ADVERTISER'S RESPONSE

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

The complaint indicates that this spot was seen on video on demand platform Kayo. Our media agency – OMD Australia – had set up to target logged-in users between the ages of 18 and 54 on Kayo. Note, we do not have CAD information for this advertisement, as it is not running in broadcast environments.

The advertisement for THE POPE'S EXORCIST in question 'Buried Safe 30' does not breach any part of Section 2 of the Code of Ethics.

- *2.1 - Discrimination or vilification – this is not present in the aforementioned TVC*
- *2.2 - Exploitative or degrading – this is not present in the aforementioned TVC*
- *2.3 – Violence – There is no direct impact of violence is present in the aforementioned TVC.*
- *2.4 - Sex, sexuality and nudity – no sex, sexuality or nudity is present in the aforementioned TVC*
- *2.5 – Language – no obscene language is present in the aforementioned TVC*
- *2.6 - Health and Safety – health and safety is not breached in the aforementioned TVC*
- *2.7 - Distinguishable as advertising – all required advertising markers are present on the TVC to be easily identified as such (i.e. CTC, film title, in cinemas release messaging)*

We can confirm the advertisement in question is no longer running on Kayo as of March 31.

If the Committee requires further information, we would be happy to assist further with all enquiries.

THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement was too scary and graphic to be broadcast when children are viewing.

The Panel viewed the advertisement and noted the advertiser's response.

Section 2.3: Advertising shall not present or portray violence unless it is justifiable in the context of the product or service advertised

The Panel noted that the Practice Note for this section of the Code states:

"Any advertising message that can be interpreted as condoning or encouraging suicide is not justifiable in the context of any product advertised.

...

In considering whether the violence or menace depicted in an advertisement is justifiable, the Community Panel may have regard to the audience of the advertisement. Graphic depictions of violence or a strong suggestion of menace have been found to present violence in an unacceptable manner especially when visible to a broad audience which includes children. For example, advertising for violent or horror movies, tv shows or video games should take care not to include images that give the impression that a character has just committed violence against someone (for example, a weapon with dripping blood), was the victim of violence (for example, freshly severed limbs) or is about to commit violence against someone (for example, gun aimed directly at a person or the viewer) where there is a broad audience which includes children. More leeway is permitted where the depiction is stylised rather than realistic. However, advertisers should exercise caution when using cartoon violence as a cartoon style may be attractive to children."

The Panel noted the complainants had viewed the advertisement while watching Pay TV and noted that the advertisement features scenes from the M15+ rated movie.

The Panel noted that the sound effects in the advertisement are scary and noted that the imagery is graphic, however the Panel considered that this depiction is directly related to the horror nature of the movie being promoted.

The Panel considered that the majority of the scenes were justifiable in advertising a violent horror movie, and that any children viewing the advertisement on Pay TV would likely be supervised by adults.

However, the Panel considered that a scene depicting a woman standing on top of a building and leaping off, before being shown unmoving on the ground, was violent imagery of an apparent suicide.

The Panel acknowledged that the context of this scene is not clear however considered that the overall impression is that the woman jumped to her death. The Panel considered that imagery depicting self-harm is unlikely to be considered appropriate by a broad community in any circumstance.

The Panel considered that while this scene may appear in the film itself, the advertiser could and should have chosen to use other, less confronting, scenes.

The Panel considered that many people would find the violent nature of the advertisement shocking, and the high level of violence and menace was not justifiable in the context of advertising the horror movie.

Section 2.3 Conclusion

The Panel determined that the advertisement did present or portray violence which was not justifiable in the context of the product or service advertised and did breach Section 2.3 of the Code.

Section 2.6: Advertising shall not depict material contrary to Prevailing Community Standards on health and safety.

The Panel noted that there is high sensitivity in the community to mental health issues and suicide in Australia.

The Panel noted that references to self-harm may be used in media when promoting services and assistance for those with mental health concerns, however considered that using such imagery for the purposes of promoting a horror film would be considered inappropriate by most members of the community.

The Panel determined that the advertisement would be contrary to Prevailing Community Standards on health and safety.

Section 2.6 conclusion

The Panel considered that the advertisement did contain material contrary to Prevailing Community Standards on health and safety and determined that it did breach Section 2.6 of the Code.

Conclusion

Finding that the advertisement did breach Sections 2.3 and 2.6 of the Code, the Panel upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

I can confirm this advertisement was discontinued as of March 31.