

Case Report

1. Case Number :	0060-23
2. Advertiser :	Sony Pictures Releasing
3. Product :	Entertainment
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	5-Apr-2023
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.3 Violence

DESCRIPTION OF ADVERTISEMENT

This advertisement features scenes from the film "The Pope's Exorcist".



THE COMPLAINT

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

Its a horror film with disturbing content and images. It's an inappropriate time to play the ad before 9pm

The horror, disgusting evil & demonic sounds, and images. I had the change the channel as quickly as I could so the kids didn't see it and get scared. I wasn't fast

enough for the horror sounds. For the rest of our TV viewing, I was on edge just waiting for it to return. It was shown 3 more times.

Scary horror themes, traumatic to some viewers so should not be screened at that time.

THE ADVERTISER'S RESPONSE

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

All advertisements running on FTA TV for THE POPE'S EXORCIST advertising campaign were submitted to CAD for rating before being delivered to the TV stations, as per regulation. The TVC was delivered with instructions to use during programs and timeslots appropriate for the CAD rating.

We received the following rating from CAD for the 30 second 'Trial Safe Au' TVC on March 16, 2023. Trial Safe 30 was running at the time of the complaints.

The CAD guidelines state that TVCs rated as 'H' May be broadcast at any time of day, except during P and C programs or adjacent to P or C programs. Our tv buy has aligned with this – and from what is outlined in the complaints and from what our media agency can see, the spot has not run outside these parameters. Confirming too, we have not had any stricter rating from cad than a H that has gone to air.

The advertisement for THE POPE'S EXORCIST in question 'Trial Safe AU' 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 running on TV up until April 1 (inclusive).

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

THE DETERMINATION

The Ad Standards Community Panel (Panel) considered whether the versions collectively forming this advertisement breach Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants' concern that the advertisement depicts violence and menace and is inappropriate for broadcast when children can view it.

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

Section 2.3 Advertising or Marketing Communications 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 free to air television and noted that the advertisement features scenes from the M15+ rated movie.

The Panel noted that the advertised product is a horror movie that contains violent scenes and graphic imagery, and noted that the scenes shown in the advertisement did not include violence or graphic images.

The Panel noted that the music in the advertisement and the sense of fear and growing alarm of the actors is suspenseful and does suggest a degree of menace, and

considered that this suggestion is directly related to the horror nature of the movie being promoted.

Overall, the Panel's considered that while the tone of this advertisement was suspenseful it was not graphic. The Panel considered that the level of violence was mild in the context of an advertisement for a horror movie shown to a broad audience including children.

Section 2.3 conclusion

In the Panel's view the advertisement did portray violence that was justifiable in the context of the product being advertised and did not breach Section 2.3 of the Code.

Conclusion

Finding that the advertisement did not breach the Code on other grounds, the Panel dismissed the complaints.