

Case Report

1. Case Number :	0123-23
2. Advertiser :	The Walt Disney Company
3. Product :	Entertainment
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Decision:	12-Jul-2023
6. Decision:	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.3 Violence

DESCRIPTION OF ADVERTISEMENT

This television advertisement features a young girl and a woman with a therapist in a dark room with a red light. The therapist explains an exercise they are going to do with a light. The girl is being comforted by the older woman because she is scared. The light flashes until it goes out.



THE COMPLAINT

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

Scared my children, should be advertised in a later time slot.

An MA15+ trailer was being advertised at the beginning of a footy match that would be watched by many families with young children. The nature of the trailer was horror and thriller.

THE ADVERTISER'S RESPONSE

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

In terms of the ad, the production team tried to keep it very safe whilst still having the genre come through. We made sure not to include anything violent, supernatural or any vision of the creature / monster. We aimed to build up suspense with the ad, and the classification reflected the content.

Due to the genre and despite the H classification the media agency and Disney were sensitive to the content and had requested the ad run post 2130 with channel 7 in the AFL. The traffic team received the material instructions and advice from Zenith to run post 2130. However due to human error and the nature of live sport telecasts, they incorrectly ran the spot earlier than instructed.

THE DECISION

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 was scary 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 a scene 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 scene 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 who includes a vulnerable child 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 though menacing 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.