

Case Report

1. Case Number :	0167-23
2. Advertiser :	Umbrella Entertainment
3. Product :	Entertainment
4. Type of Advertisement/Media :	TV - On Demand
5. Date of Decision:	23-Aug-2023
6. Decision:	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.3 Violence

DESCRIPTION OF ADVERTISEMENT



This on demand television advertisement promotes the movie 'Talk to Me'.

The advertisement features scenes from the movie, including:

- A teenager being restrained into a chair
- A teenager holding hands with an embalmed hand, which moves and pulls her
- People screaming.

THE COMPLAINT

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

I have children and we were sitting at our dinner table watching the news on our iPad. We do not expect to see an MA movie trailer at 6.33pm for a disgusting movie which is aimed as giving people nightmares. My youngest son was upset.

Frightening scenes inappropriate for children played during a family time slot/family show.

To traumatic for children

THE ADVERTISER'S RESPONSE

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

I am writing in response to three complaints received by Ad Standards related to the advertisement for the cinema release of 'TALK TO ME'. The film is a horror and was rated MA15+ by the Australian Classification Board on June 9 2023 (see below) and released in cinemas nationwide on 27th July 2023.

<https://www.classification.gov.au/titles/talk-me-10>

I can confirm that the campaign for 'TALK TO ME' ran from 20th July 2023 to 29th July 2023 with Nine Entertainment (Nine), and exclusively via their BVOD platform. The advertisement did not run on Nine's broadcast channels, and as such no CAD rating was required. There was only one advertisement used for this campaign. Here is a link to the advertisement.

One of the complainants claimed they viewed the advertising on Channel Nine in Brisbane on Sunday 23 July at around 6:35pm during their news programme. This is not possible, and we can only assume that they were exposed to the advertisement while watching the news on the BVOD platform.

We strongly defend our position in relation to any breach of section 2.3 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."). It is our view that we have met our requirements under the Code, and minimised the impact the advertisement might have on viewers, while still conveying the themes and genre of the movie. Specifically:

- 1. The advertisement is very short – only 15 secs.*
- 2. The majority of the advertisement sets up the concept of the movie (i.e. the ceremony to connect people with the spirit world via the ceramic hand). The remainder of the advertisement uses text to communicate the reviews, the title, the release date and that it can only be seen in cinemas.*
- 3. Images from the film are brief. This dramatically reduces impact and the sense of suspense or menace. There are no significant acts of violence, menace or*

threat depicted in these scenes. The themes and tone are clearly supernatural in nature and inferred rather than explicit in our opinion.

4. The soundtrack is atmospheric rather than disturbing and does not heighten the impact of the suspense or menace in our opinion.

5. The advertisement also features the frequently used and highly recognisable MA15+ rating symbol in the bottom left corner of the screen for the first 5 seconds of the advertisement, to allow anyone that may find the material sensitive or inappropriate the opportunity to not watch it.

Referring to the AANA's Code of Ethics (February 2021), the definition of Advertising means: (a). any advertising, marketing communication or material which is published or broadcast using any Medium or any activity which is undertaken by, or on behalf of an advertiser or marketer, over which the advertiser or marketer has a reasonable degree of control. We briefed Nine that the film was a horror targeting an audience of 16-29+. With our media agency (WOVE) we took the upmost care to ensure that both the advertisement and programme selection were appropriate for the audience that the film is intended for.

Nine apply a general rule to not run Horror Movie or High Violent Movie advertisements within certain programming, precluding certain prime-time programming such as children's movies, 'Lego Masters' and 'Ninja Warrior'. News and programmes like 'A Current Affair' do not fall into these categories.

However, there is always the possibility that someone younger than our target demographic may have been watching the BVOD platform on their own or with their family when the advertisement was playing. Obviously, this is out of our control, but certainly not our intention to cause distress to anyone.

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.

Does the advertisement contain violence?

The Panel noted the advertisement features a scenes from the horror movie, 'Talk to Me'.

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 graphic images.

The Panel noted that the music and fast scenes in the advertisement create a feeling of suspense, however there is no harm or explicit threat of harm to any person in the advertisement.

Overall, the Panel's considered that while the tone of this advertisement was suspenseful it was not violent.

Section 2.3 conclusion

In the Panel's view the advertisement did not portray violence and did not breach Section 2.3 of the Code.

Decision

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