

## Case Report

1. Case Number :	0187-23
2. Advertiser :	Universal Pictures
3. Product :	Entertainment
4. Type of Advertisement/Media :	TV - On Demand
5. Date of Decision:	13-Sep-2023
6. Decision:	Upheld – Modified or discontinued

### ISSUES RAISED

AANA Code of Ethics\2.3 Violence

### DESCRIPTION OF ADVERTISEMENT

This TV on demand advertisement contains scenes from the film 'The Nun II'. There are four versions of the advertisement.



### THE COMPLAINT

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

*Would not choose to ever watch a horror movie yet was exposed to a trailer every single add break which was terrifying and graphic when I was just watching a light hearted show. Not something that should occur when not watching a similar program.*

*This advertisement was terrifying - for me and also for my children. We were watching a family friendly show at a family friendly time and this Ad was graphic, scary and entirely inappropriate - considering what we were watching on-demand was a light-hearted comedy show that typically airs at 7.30pm. The ratings of both of these shows*

*is mismatched (we were watching an on demand show rated M; this horror film is rated R). Adding to this, the ad was not shown once but was shown as the first ad for every single ad break while we watched - meaning it would have come on about 6-8 times. Due to the function of on demand watching, i could not turn it off or skip - i had to yell at my kids to quickly close their eyes and speak over the top of the sound-track.*

*Horror movie trailer plays during each commercial breaks while watching replays on the 10Play app, which isn't comfortable for the viewers at home.*

*Scared children watching a family program of the block during family viewing hours*

*I'm tucked up in bed watching a PG rated tv show when this horrifically terrifying ad comes on- every break- 5 times through the one hour episode! I have to take my ear buds out to block the sound and lie my iPad down so I can't see the screen then wait for the ad to be over. I had nightmares and unsettled sleep last night from the 3 seconds I saw. It's the third time it's happened this week. Thank goodness my children weren't watching with me. I realise that given the hour of day, there aren't PG requirements but surely it should align with the program being watched.*

#### **THE ADVERTISER'S RESPONSE**

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

*The below response is in relation to the complaints received regarding Universal Pictures advertising for The Nun specifically in regard to the on-demand advertisements depicting violence/language which causes alarm and distress to Children.*

*Universal Pictures International Australasia adhere to the AANA Advertiser Code of Ethics.*

*Section 2.3 of the Code states "Advertising or Marketing Communications shall not present or portray violence/language unless it is justifiable in the context of the product or service advertised."*

*The Nun, is a horror film which contains numerous scenes which could be scary in nature and suspenseful. It would therefore be reasonable to justify that our advertising materials have been produced within the context of the product being advertised.*

*Universal Pictures strive to advertise films of this content in a manner that remains appropriate for all consumers.*

*To ensure due diligence, prior to activity going live we carefully plan out our targeting with the agency to deliver a thought-out digital plan to effectively reach the following audiences:*

*Audiences: P18-54*

*Targeting horror enthusiasts and comp titles*

*We follow our primetime TV key programming on demand*

*In this instance, we obtained clearance to display the advertisement according to the guidelines provided for the appropriate targeting & therefore the ad would have appeared on demand.*

*Universal Pictures and MediaCom exercised care with the planning and selection of the targeting schedule and focused on programming that skews within the demographic.*

*Please also note that all advertising materials for this film have displayed the (Check the Classification) logo for the required duration & updated once the film was classified.*

*We apologise for any distress caused and would like to reassure all parties involved that we have adhered to all required standards and the industry code of conduct in relation to the advertising materials and placements for this film.*

## **THE DECISION**

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 concerns that the advertisement was frightening and inappropriate for broadcast at a time when children were watching.

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:

*"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.”*

### **Does the advertisement contain violence?**

The Panel noted that the advertisement features scenes from the M rated movie.

The Panel considered that all versions of the advertisement contained scenes of menace, however only version 3 (Protect) contained physical violence in a scene showing a girl being grabbed around the head.

Overall, the Panel considered that all versions of the advertisement contained a level of menace that may be considered violence by some members of the community.

### **Is the violence portrayed justifiable in the context of the product or service advertised?**

#### Version 1, 2, 4

The Panel considered that the scenes are fleeting and considered that there is not a high level of menace in this advertisement. The Panel considered that although there is a high level of tension due to the music choice and the dark imagery, there is no ongoing threat in the advertisement.

The Panel considered that some menace is justifiable in the context of advertising a horror movie and considered that Versions 1, 2 and 4 of the advertisement contained violence that was justifiable in the context of advertising a violent, M rated film and did not breach Section 2.3 of the Code.

#### Version 3

The Panel considered that the scenes are fleeting and for the most part, there is not a high level of menace in this advertisement.

However, the Panel considered a scene in which a group of girls who appear to be aged under 18 are together when one is grabbed around the head by an unseen person. The Panel noted that this is a jump-scare in the advertisement and the violence is fleeting, however considered that an attack on a child is not necessary to convey the advertisement’s message (evident in that no other version contains this scene).

The Panel acknowledged that some level of menace and violence is justifiable in the context of advertising a horror movie, however considered that the depiction of

violence in this version of the advertisement exceeded the level which most members of the community would consider to be justifiable, in that a child is being attacked, and determined that Version 3 did breach the Code.

### **Section 2.3 Conclusion**

The Panel determined that the Version 3 of 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.

### **Conclusion**

Finding that the advertisement did breach Section 2.3 of the Code, the Panel upheld the complaints.

### **THE ADVERTISER'S RESPONSE TO DETERMINATION**

Please note this film is no longer running & the campaign is finished.