

## Case Report

1. Case Number :	0188-23
2. Advertiser :	Universal Pictures
3. Product :	Entertainment
4. Type of Advertisement/Media :	TV - Free to Air
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 television 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:

*The Block is a prime time family friendly show, horror movie adds are not appropriate in this time slot.*

*This is a synopsis I found on it: Warner Bros released the official trailer for The Nun II on July 6, 2023. The trailer teases that the sequel to the Conjuring spin-off will feature plenty of scares, and will bring a new story to the demonic nun Valak. I ask - would you like your 12 year old to be confronted of images of a demonic Nun?*

*It's horrible and has no benefit for our society.*

*The block is a family show and we sit down with children to watch it. The horror movie nun was not an appropriate ad during these hours. It scared the children before bed time.*

*Featured demonic horror scenes that wouldn't be appropriate for children let alone for us as adults. It was disgusting!*

#### **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 the UNIVERSAL PICTURES on behalf of WARNER BROS advertising for The Nun, specifically in regards to the TVC advertisements depicting violence/language which causes alarm and distress to Children.*

*Universal Pictures International Australasia on behalf of WARNER BROS 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 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 on behalf of WARNER BROS strive to advertise films of this content in a manner that remains appropriate for all consumers.*

*All advertising content from Universal Pictures on behalf of WARNER BROS is broadcast on FTA TV once rated by the Commercials Advice Board which is industry compliant with the advertising standards code of conduct.*

*To ensure due diligence, prior to activity going live PEACH (on behalf of Universal Pictures on behalf of WARNER BROS) liaises with CAD to obtain approval on The Nun TVC spots.*

*Universal Pictures on behalf of WARNER BROS produced a number of TV spots for The Nun TV campaign and each spot was classified by CAD - the TV spot in question received an A rating (attached are the key number/material instructions which were provided to the TV networks)*

*The following approval was obtained by Universal Pictures on behalf of WARNER BROS from CAD on A rating:*

*Definition:*

*MA style commercials for R18+ classified cinema films, DVDs, videos and games May be broadcast between 8.30pm and 5.00am on any day.*

*In addition to the time restrictions, a Commercial classified "A" must NOT be shown: Before 9.30 pm during Sports Programs and Films classified G or PG which commence before 8.30 pm and continue after 8.30 pm (unless it is a Film which is neither promoted to Children nor likely to attract substantial numbers of Children).*

*The above CAD guidelines were adhered to and the spot was cleared for broadcast which only ran in the allocated times stated. Please also note that all advertising materials for this film have displayed the CTC (Check the Classification) logo for the required duration.*

*Universal Pictures on behalf of WARNER BROS and MediaCom exercised care with the planning and selection of the TV schedule and focused on programming that reaches our intended 18+ audience group. We strive to evaluate each media placement to ensure that the materials are being seen by the intended target audience.*

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

## **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?**

The Panel noted that the advertisement received an A classification from FreeTV which allowed it to be broadcast from 8.30pm onwards. The Panel noted that some complainants advised that they viewed the advertisement during The Block which does start at 7.30pm, however the advertisements were placed after 8.30pm.

#### 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 on TV & the campaign is finished