

## Case Report

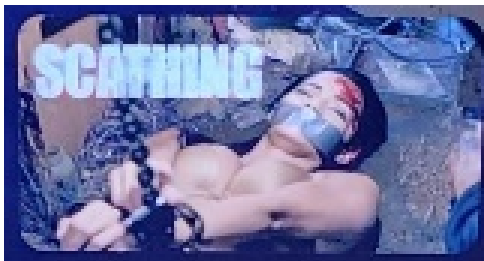
1. Case Number :	0204-23
2. Advertiser :	Amazon Prime Video
3. Product :	Media
4. Type of Advertisement/Media :	Promotional Material
5. Date of Decision:	11-Oct-2023
6. Decision:	Upheld – Modified or Discontinued

### ISSUES RAISED

AANA Code of Ethics\2.3 Violence

### DESCRIPTION OF ADVERTISEMENT

This advertisement promoting the film 'Scathing' features an image of a woman in a bra who has blood on her forehead, a taped mouth and bound hands.



### THE COMPLAINT

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

*The image is a violent degradation of woman that is easily accessible to children under the age of 18. It is the first image on the top left hand screen on the homepage of my Smart TV. This image is designed to encourage you to click through to the app (promoting the film). This is not once I have clicked "in" to an app, but is automatically displayed when you turn the television on. I appreciate that there may be parental controls implemented to stop young viewers watching in appropriate films; however the image used to promote the film is available is violent and degrading to women.*

## THE ADVERTISER'S RESPONSE

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

*We are writing to respond to Ads Standards in relation to the complaint filed by a consumer in Australia related to Section 2.3 of the Australian Association of National Advertisers (AANA) Code of Ethics.*

*As a global video streaming service offering thousands of movies and TV shows, including third party licensed content and Amazon Originals, we take feedback from our customers and the wider community seriously. We are constantly working to innovate and improve our service on behalf of customers. Amazon seeks to be the most customer-centric company on Earth. That means making our devices and services accessible and safe to all users.*

*The advertisement is a carousel promotional image for the title Scathing on Amazon Prime Video. This advertisement appeared on one of our device partner's homepage carousels. Amazon did not provide the partner the image in question, and the image was not within Amazon's control. The image has been removed and replaced by the device partner.*

*Given that we take complaints associated with Prime Video seriously, we are taking the following steps to address the complaint:*

- 1. Although Amazon makes certain images available to device partners for inclusion on the carousels they use to promote content available through their device, the image in question is not an internal asset, and we do not have any record of using this image internally for promotional or advertising purposes. We are internally reviewing how this device partner selected this promotional material to appear on their devices in Australia. Our current hypothesis is that the device partner acquired this image from a source other than Amazon;*
- 2. We reached out to the device partner to inquire how this image was surfaced on their devices in Australia;*
- 3. We requested that the device partner remove the image immediately; and*
- 4. The device partner confirmed the image has been updated, and they are unable to resurface the image again.*

*Additionally, the advertisement is compliant with each element of Section 2 of the Code, as detailed further below.*

*2.1: The advertisement does not discriminate or vilify anyone based on race, ethnicity, gender, nationality, age, sexual preference, religion, disability, mental illness, or political belief.*

*2.2: The advertisement is not employing sexual appeal where images of minors or people appear to be minors are used or in a manner which is exploitative or degrading of any individual or group of people.*

*2.3: The advertisement does not include any violence that is not justifiable. The portrayal of any violence in the image is justifiable in the context of the offering. The movie is a horror and suspense film, which includes various acts in the film related to the plot of the movie. The plot of the movie is around a young couple being stranded in a remote location for several days without food or water, while a massive, giant, madman stalks their every move, proving it impossible for them to escape unscathed.*

*2.4: The advertisement does not include any sex, sexuality, or nudity.*

*2.5: The advertising does not include any obscene language. The title Scathing is the only wording on the promotional material.*

*2.6: There is nothing in the advertisement that is depicting material contrary to community standards on health and safety.*

*2.7: The advertisement is clearly distinguishable as a promotional to encourage viewers to watch the title Scathing on Prime Video.*

## **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 concern that the advertisement depicts violence towards women.

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

The Panel noted that this image appeared on the home screen of people who own a Google TV (which may be from various brands). This screen is the main screen for the television and appears when it is turned on. From this screen, a user can navigate to various streaming platforms or to free to air television. The advertisement appeared at the top of the screen and there did not appear to be any targeting based on the profile of a user.

The Panel noted that the image used had not been provided by the advertiser and it was unclear how the image came to be used by the Google TV. However, the Panel considered that Amazon was engaged in a partnership with Google where programs are promoted through Google platforms, and considered that Amazon did have responsibility and control of advertisements promoting their product offerings.

**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. However, advertisers should exercise caution when using cartoon violence as a cartoon style may be attractive to children.”*

**Does the advertisement contain violence?**

The Panel noted that the Code and the Practice Note do not provide a definition of violence. The Panel noted that they needed to consider whether the general community would consider this ad to portray violence.

The Panel noted that the advertisement contains an image of a woman in a bra who has blood on her forehead, a taped mouth and bound hands. The Panel considered that the advertisement did contain violence.

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

The Panel noted that the advertised program is a horror film and does contain the scene in the advertisement.

The Panel noted that this image is not the promotional image used on Prime Video and noted that this image is not the generally available promotional image for the film.

The Panel noted that Google TVs are connected to one user account and are generally used by a whole family, and considered that the likelihood of children viewing the advertisement is very high.

The Panel considered that while it could be reasonable to depict a scene from the film in this kind of promotion, this image was gratuitous and not necessary as there were plenty of other moments from the film which could have been used.

Overall, the Panel considered that the violent scene was not justifiable in the promotion of this film on a platform with a broad audience that would include children.

### **Section 2.3 Conclusion**

The Panel determined that 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 complaint.

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

The device partner confirmed the image has been updated, and they are unable to resurface the image again.