

Case Report

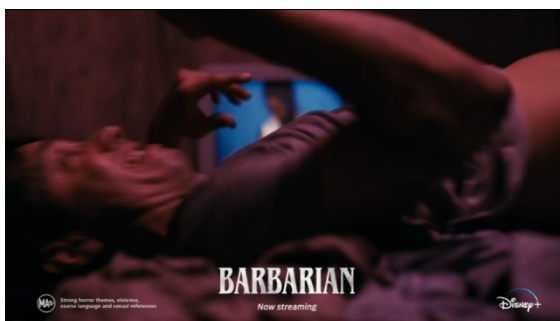
1. Case Number :	0272-23
2. Advertiser :	The Walt Disney Company
3. Product :	Entertainment
4. Type of Advertisement/Media :	Billboard
5. Date of Decision:	6-Dec-2023
6. Decision:	Upheld – Modified or Discontinued

ISSUES RAISED

AANA Code of Ethics\2.3 Violence

DESCRIPTION OF ADVERTISEMENT

This advertisement depicts scenes from a range of thriller and horror films available to watch on Disney+, with the tagline *Hallowstream*.



THE COMPLAINT

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

Walking through the Perth train station, my children were subject to viewing an advert for a horror movie/television series on the large screen. My youngest who is three became frightened to the point of tears just from the imagery depicted in the advertisement. May I please request we make the train and public transport accessible to all by removing alarming content from large screens? At least during day time hours. Thanks

THE ADVERTISER'S RESPONSE

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

Introduction

This a response of The Walt Disney Company (Australia) Pty Ltd ("Disney") to the complaint received by Ad Standards and notified to Disney on 23 November 2023 (Ad Standards reference 0272-23) (the "Complaint"). The Complaint relates to an advertisement (the "Advertisement") for Disney's 'Hallowstream' campaign for its Disney+ streaming service. Disney thanks Ad Standards for the opportunity to respond to the Complaint. For the reasons set out below, Disney believes the Advertisement does not breach any of the AANA Advertising Codes.

The Advertisement

The Advertisement was an audio-visual advert that appeared in out of home video format in various capital cities across Australia in October to promote Disney's 'Hallowstream' content campaign in the lead-up to Halloween. The Advertisement was aimed at a general entertainment audience and was intended to showcase the diverse range of Halloween-themed and scary content available on Disney+, including PG, M and MA15+ rated content (although none of the actual excerpts featured in the Advertisement are rated any higher than PG). The Advertisement is no longer in circulation.

The Advertisement contains the central in-text and voiceover message 'This Halloween, you won't stop... streaming', being a play on words of 'screaming', and includes excerpts from a range of programmes available on Disney+ in the genre of Halloween-themed or scary movies, including showing various characters screaming or being frightened. The voiceover itself has been chosen as a parody of what a voiceover for horror or adult content might typically sound like, which contributes to the overall humorous tone of the Advertisement.

Disney's advertising agency Publicis has confirmed the Advertisement was submitted to JCDecaux, the owner of the X-Track digital billboard on which the Advertisement appeared, for review before being placed. The content was reviewed by Disney and the team at JCDecaux against the AANA codes and the Outdoor Media Association ("OMA") guidelines for outdoor advertising. The compliance team at JCDecaux

deemed that the Advertisement complied with the Code and relevant OMA policy in relation to outdoor advertising, including in particular that it did not portray any direct form of violence nor any threats of violence.

Compliance with Advertiser Code of Ethics

Disney believes the Advertisement complies with the AANA Advertiser Code of Ethics, as set out below. Disney does not believe the Food & Beverages Advertising Code, Environmental Claims Code or the Wagering Advertising Code apply to Advertisement given the nature of the Disney+ service being advertised and the content featured. Our response to the Complaint therefore considers the Advertiser Code of Ethics only.

We consider each of the elements in section 2 of the Code of Ethics as follows:

(i) Section 2.1: the Advertisement does not portray people in a manner which discriminates against or vilifies one of the listed protected attributes in the Code.

(ii) Section 2.2: the Advertisement does not employ sexual appeal in any way.

(iii) Section 2.3: the Advertisement does not present or portray violence. Notwithstanding the underlying theme of Halloween programming and that some of the characters shown are scared, the Advertisement itself and the excerpts from programmes featured do not of themselves depict acts of violence and do not contain graphic or gruesome elements such as blood or gore. Nor does the Advertisement depict any character having just committed any violent act, or suggest that violence is imminent. When taken together with the tone of the voiceover and the play on words between 'streaming' and 'screaming', Disney submits that the Advertisement has an overall sense of parody, and to a general audience, should not reasonably cause alarm or distress.

(iv) Section 2.4: the Advertisement does not contain any elements suggestive of sex, nudity or sexuality.

(v) Section 2.5: the Advertisement does not use strong or obscene language or language which is otherwise inappropriate for the relevant targeted audience.

(vi) Section 2.6: the Advertisement does not depict dangerous activity that is contrary to community standard with regards to health and safety. Whilst the Advertisement shows firearms in two frames and a crossbow in another, the weapons are not shown being pointed at anyone nor are they pointed or aimed towards the camera or audience. None of the weapons are depicted firing or discharging.

(vii) Section 2.7: the Advertisement is clearly distinguishable as an advertisement. The voiceover clearly refers to what the audience will be streaming this Halloween and the on-screen text accompanying individual titles includes 'Now streaming' or relevant

availability dates on the Disney+ service. The Disney+ branded end-card clearly states 'All of these and more now streaming'.

Conclusion

Having carefully considered the Complaint and the elements of the Code of Ethics, Disney submits that the Advertisement is not in breach of the Code. We would be pleased to provide further information or materials or respond to any questions if helpful to the Ad Standards Community Panel in its deliberations.

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 which is inappropriate for the audience which would include children.

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 various horror and Halloween themed shows available on the streaming platform.

The Panel considered that the advertisement did contain scenes of violence, including implied violence between people (people being grabbed and dragged), people at risk of violence (evident by people screaming) and violence in the depiction of firearms.

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

The Panel noted that the advertisement was at a train station, and that the video included moving images and sound. The Panel considered that the relevant audience would be broad and would include children.

The Panel noted that the advertisement was promoting horror and Halloween shows on the Disney streaming platform. The Panel noted that this included both family-orientated films (*Haunted Mansion* and *Hocus Pocus*) and adult-orientated horror films rated MA+ (*The Boogeyman*, *Ready or Not*, *Jennifer's Body*, and *Barbarian*). The Panel noted that the Disney brand is often associated with children and family movies, and that the logo would likely attract the attention of children.

The Panel noted that many of the scenes in the advertisement were not alarming and did not contain a high level of menace. However, the Panel considered that some scenes did, including the two scenes of people being grabbed and dragged, the scenes of people brandishing weapons, and the montage of screams towards the end of the advertisement.

The Panel considered that the audio of multiple people screaming could cause alarm in a public place, and would attract the attention of people to the advertisement. The Panel considered that the advertised product is a streaming service with many movies and television shows to advertise, and the inclusion of the violent and distressing scenes was not justified in promoting this product to this audience.

Overall, the Panel considered that the violence in the advertisement was not justifiable in the context of advertising a streaming service to a broad audience which would include children.

Section 2.3 Conclusion

The Panel determined that the presentation or portrayal of violence in the advertisements was not justifiable in the context of the product or service advertised and did breach Section 2.3 of the Code.

Decision

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

THE ADVERTISER'S RESPONSE TO DECISION

Disney confirms that the Advertisement the subject of the complaint was withdrawn at the end of the relevant campaign, approximately 8 weeks ago (the last week of October 2023), and has not been exhibited since.

There is no plan to re-use the advertisement in question.