

## Case Report

1. Case Number :	0111-24
2. Advertiser :	Sony Pictures Releasing
3. Product :	Entertainment
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Decision:	1-May-2024
6. Decision:	Dismissed

### ISSUES RAISED

AANA Code of Ethics\2.3 Violence

AANA Advertising to Childrens Code\2.4 Frightening Images

### DESCRIPTION OF ADVERTISEMENT

This television advertisement is promoting the film Ghostbusters Frozen Empire. It features monsters and a gun that shoots light beams.



## **THE COMPLAINT**

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

*The advertisement for this movie was shown during a G rated program watched by young children, clearly depicting a ghost/supernatural themes.*

## **THE ADVERTISER'S RESPONSE**

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

*The ad in question was submitted to CAD for rating before being delivered to the TV stations, as per regulation. The TVC was delivered with instructions to use during programs and timeslots appropriate for the CAD rating.*

*We received the following rating from CAD for the Ice Kids Aus Safe 15:*

*TVC Name: Ice Kids Aus Safe 15251- Intl' 15T-16:9 -Australia -NOW - Broadcast  
Key Number: SPRGFEIKS15N  
CAD Rating: G  
CAD Reference no: GBH1XEPA*

*The CAD guidelines state that TVCs rated as G may be broadcast at any time:  
2.2.1 PG Classification zone. Material that has been classified C, P, G or PG may be broadcast at any time.*

*The advertisement for GHOSTBUSTERS: FROZEN EMPIRE in question 'Ice Kids Aus Safe' does not breach AANA Code of Ethics 2.3 Violence\Causes alarm and distress to children.*

*AANA Advertising to Childrens Code  
Or*

*2.4 Frightening Images\must not portray unreasonably frightening images.*

*We can confirm the advertisement in question is no longer running on Free-to-air TV as the campaign has finished.*

## **THE DECISION**

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches the AANA Children's Advertising Code (the Children's Code) or Section 2 of the AANA Code of Ethics (the Code of Ethics).

The Panel noted the complainants' concern that the advertisement was not appropriate for children.

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

The Panel noted that for the provisions of the Children's Code to apply, the advertisement must be found to target children under 15 years of age.

### **Does the advertisement target children?**

The Panel noted that the Children's Code defines "target children" as:

*"Target Children is determined by the context of the advertisement and the following three criteria:*

- 1. Nature and intended purpose of the product being promoted is principally or significantly appealing to Children;*
- 2. Presentation of the advertisement content (e.g. theme, images, colours, wording, music and language used) is principally appealing to Children;*
- 3. Expected average audience at the time or place the advertisement appears includes a significant proportion of Children."*

The Panel noted that the Practice Note provides guidance on the interpretation of "target children":

*"All three criteria will be considered by the Community Panel in determining whether or not advertising targets Children. The weighting given by the Community Panel to each of the three criteria will be determined on a case by case basis. In the event of a complaint being considered by the Community Panel, the advertiser should be in a position to provide details in terms of the nature and intended purpose of the product, the presentation of the advertisement content and the expected average audience at the time or place the advertisement appears.*

*"In relation to the third criteria, measures to determine if Children are likely to be a 'significant proportion' of the expected average audience may include one or a combination of the following:*

- Where data exists, 25% or more of the predicted audience will be Children. In relation to outdoor advertising, if across a campaign the data shows a predicted audience with less than 25% Children, and there is a Children's event or concert that is incidental to the ad placement, the audience of that incidental Children's concert or event will not be captured.*
- C&P programmes.*

- *Programs, artists, playlists, video, movies, magazines or other content with significant appeal to Children (e.g. featuring personalities or characters popular with Children).*

**Point 1: Is the nature and intended purpose of the product principally or significantly appealing to children?**

The Panel noted that the advertised product is a PG rated movie in the Ghostbusters franchise which includes the new generation of Ghostbusters. The Panel considered that the movie would have nostalgic appeal to adults, but would still have significant appeal to children.

**Point 2: Is the content of the advertisement principally appealing to children?**

The Panel noted that the advertisement features scenes from a family movie and these would have general appeal to both adults and children. The Panel considered that the scenes chosen for inclusion in this trailer prominently feature the young actors, CGI monster characters, and cute marshmallow-type characters. The Panel considered that the scenes included in this advertisement would be principally appealing to children.

**Point 3: Does the expected average audience of the advertisement include a significant proportion of children?**

The Panel noted that the advertisement was viewed during an episode of Paw Patrol, and considered that this would have an audience with a significant proportion of young children.

**Targeting children conclusion**

The Panel considered that the product would have significant appeal to children, the content of the advertisement was principally appealing to children and audience for the advertisement would include a significant portion of children. The Panel determined that the advertisement did target children.

**Children's Code Section 2.4 Advertising to Children must not portray unreasonably frightening or distressing images or events.**

The Panel considered that some scenes in the advertisement may be distressing for very young children, particularly the monster with glowing eyes. However, the Panel considered that the theme of the advertisement is people fighting ghosts and monsters. The Panel considered that the scenes in the advertisement did not show the monsters threatening or harming anyone, and although slightly scary the scenes were not very frightening or distressing.

## **Children’s Code Section 2.4 Conclusion**

The Panel found that the advertisement did not breach Section 2.4 of the Children's Code.

## **Code of Ethics 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 the Practice Note for this section of the Code which 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 advertisement does contain scenes of ghosts/monsters and a character firing light from a gun. The Panel considered that while actual violence is not shown in the advertisement, there is a threat of violence depicted.

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

The Panel noted that the scenes shown are from the movie being advertised. As discussed under Section 2.4 of the Children’s Code, the Panel considered that the scenes were not overly frightening or menacing.

The Panel considered that the low level of violence in the advertisement was justifiable in the context of the movie being advertised.

## **Code of Ethics Section 2.3 Conclusion**

The Panel found that the advertisement did not breach Section 2.3 of the Code.

## **Conclusion**

Finding that the advertisement did not breach any other section of the Children's Code or the Code of Ethics, the Panel dismissed the complaint.