

## Case Report

1. Case Number :	0159-25
2. Advertiser :	Nike Australia Pty Ltd
3. Product :	Sport and Leisure
4. Type of Advertisement/Media :	TV - On Demand
5. Date of Decision:	23-Jul-2025
6. Decision:	Dismissed

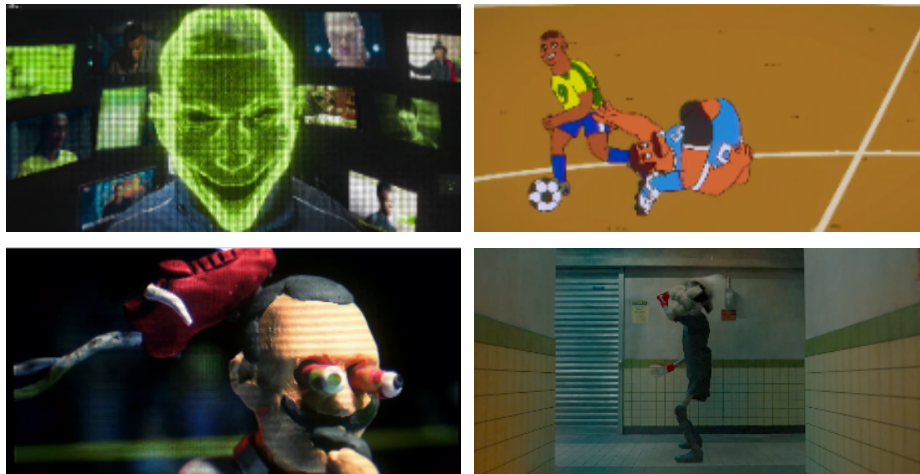
### ISSUES RAISED

AANA Advertising to Childrens Code\2.4 Frightening Images  
AANA Code of Ethics\2.3 Violence

### DESCRIPTION OF ADVERTISEMENT

This on demand TV advertisement features a hacker-style character with a digital green face mask who says in a distorted voice, "We interrupt your schedule programming with a new transmission from Nike football." A series of short scenes are then shown, including:

- Kylian Mbappé along with many other footballers dribbling the ball towards a goalkeeper
- Alexia Putellas offering psychic readings
- Kerolin from behind, easily dribbling past defensive players.
- A Claymation wrestling scene with Erling Haaland, where he wins the match using a famous bicycle style kick that blasts a hole through his clay opponent.
- The hacker character saying, "we're here to reprogram your game".
- Salma Paralluelo dribbling in a match during the rain, effortlessly dodging her opponents and kicking the ball
- Vini Jr. appearing on an infomercial for "brand new skills no one has ever seen before", followed by a cartoon image of soccer players
- A crocodile, lit by green "night vision", and Sam Kerr dribbling and looking at the camera in the same way
- A lawyer-esque infomercial for individuals who have been "skinned by Cole Palmer"
- Kerolin, who is able to defeat her final opponent, the goalkeeper zombie.
- The hacker character saying, "don't just beat them, give them nightmares".



## THE COMPLAINT

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

*Images that were terrifying for young children who are not yet capable of deciphering between what is real and what is pretend. Scary voice overs and with words like "welcome to your worst nightmare"*

*It was scary for children and ran on Lego Masters - a show clearly targeting kids & families.*

*Both my kids were scared by it and upset by the material*

*Inappropriate ad for family show. Nike ad has aired numerous times during Taronga show on channel 9. We are watching the show as a family and it is scaring my 2 and 4 year old. It features ai/monster themes and is very unnerving even as an adult.*

*The ad was not suitable for being played in a G rated show. One bit in particular was highly inappropriate - where it looks like a person gets their head blown off*

## THE ADVERTISER'S RESPONSE

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

1. *Nike cares deeply about its customers and has taken the complaints made to Ad Standards seriously. While Nike's intention was to create a satirical and engaging ad for its older fans, it recognises that the "Scary Good" ad ('Scary Good Ad') may have*

*upset some viewers, particularly younger ones. Nike apologises for any upset that was inadvertently caused to younger viewers of its Scary Good Ad.*

*2. Immediately after Nike became aware of these concerns, Nike took steps to reduce the risk that the Scary Good Ad would be further broadcast to children. This included instructing its ad placement agency to apply additional targeting rules which further refined the audience for which the Scary Good Ad was targeted. Following the action taken by Nike in response to these complaints, the Scary Good Ad has not been broadcast on Australian TV video on-demand platforms since 13 July 2025 and will not be broadcast on them in the future. The Scary Good Ad has never been broadcast on free-to-air live television.*

*3. While Nike does not believe that the Scary Good Ad breached the AANA Code of Ethics or the AANA Children's Advertising Code for the reasons described below, it places the utmost importance on its customers' opinions and hopes that the steps it has taken are considered appropriate for addressing the concerns raised.*

*4. For completeness, and as requested by Ad Standards, Nike provides below a full response to the alleged breaches of section 2.3 of the AANA Code of Ethics and section 2.4 of the AANA Children's Advertising Code.*

*5. As an initial comment, Nike created the Scary Good Ad with an intended audience of mid-teens and above who were likely to have an interest in Nike football products. The Scary Good Ad was not designed for a targeted audience that were children. The Scary Good Ad was only shown on TV on-demand streaming services using rules which targeted the account holder (i.e. if an account holder was not a child and likely to have an interest in Nike products, anyone viewing a program via that account may see the Scary Good Ad). While the Scary Good Ad was created for an audience of mid-teens and above, Nike was unable to prevent younger viewers from seeing the Scary Good Ad if they were watching a program on the account of a parent or other account holder.*

*AANA Code of Ethics – Section 2.3 (Violent Content):*

*6. Section 2.3 of the AANA Code of Ethics prohibits the use of violent content unless it is justifiable in the context of the product or service advertised. Nike understands that the audience of the advertisement and whether the violence is stylised is relevant to assess whether the violence or menace depicted in the advertisement is justifiable.*

*7. As mentioned above, the Scary Good Ad was created for an audience of mid-teens and above – not for children. The campaign was titled "scary good" and sought to satirise the word "scary" as used in that catchphrase. In order to do so, it was necessary to include some "scary" elements in the Scary Good Ad. While Nike*

*acknowledges that some themes upset younger viewers, Nike believes that the level of violence was sufficiently low and justifiable given the intended audience and fact that any violent content appeared briefly, was not the focus of the ad, and was depicted in a highly stylised and satirical manner.*

8. *There are three specific scenes in the Scary Good Ad which Nike wishes to comment on:*

*Kerolin zombie scene:*

a. *The first scene depicts renowned “attacking” player Kerolin. In that scene, Kerolin dribbles past defenders who become zombies as she passes. She later kicks the ball towards a zombie goalkeeper who turns to dust after being struck with the ball. This clip lasts for a total of three seconds.*

b. *The violence in this clip is highly stylised. There is no blood or gore, and none of the characters appear distressed. It is intended to be a play on zombie movies and the idiom “to leave someone in the dust” because Kerolin (while wearing her Nike boots) is much faster and stronger than the defenders (who behave like a slow-moving zombie compared to her). Kerolin is not depicted as a menacing figure designed to scare the audience. Rather, Kerolin is the hero of the clip.*

c. *One complaint raised a concern that this scene involved athletes morphing into monster-like creatures. This segment is a parody of zombie movies, and the act of the defenders morphing into zombies is not violent content in and of itself. Nike does not believe the scene produces a strong sense of menace given that the only other character in the scene (i.e. Kerolin) does not appear frightened.*

d. *In this context and in light of the targeted audience, Nike considers the low-level of highly stylised and unrealistic violence to be justifiable given the satirising of the phrase “scary”.*

*Scenes involving the green character:*

e. *The second set of scenes raised in complaints related to the inclusion of a green character. That character introduces the Scary Good Ad as a transmission from Nike Football, and comments “don’t just beat them, give them nightmares”. This character is shown for a less than ten seconds across three separate scenes in the Scary Good Ad.*

f. *While Nike acknowledges that some audience members expressed concern with the character, Nike does not consider his inclusion to be “violent content”. The character does not commit any violent act, is not depicted in the aftermath of*

*committing a violent act, and is not conveying a strong sense of menace by threatening to commit a violent act (either by words or gesture).*

*g. The character is highly stylised with a cartoonish face in a parody of a “hacker” movie. The character is surrounded by the images of 8 well recognisable football legends who are the stars of different portions of the Scary Good Ad. No characters are depicted as frightened of this figure.*

*h. While the use of the word “nightmares” may have been upsetting to children, the character is not alluding to actual violence, instead this clip is another play on an idiom – giving an opposing team in sport “nightmares” because of how good your team is.*

*i. In this context, Nike does not believe that the inclusion of the character in scenes amounts to “violent” content for the purposes of the AANA Code of Ethics.*

*Haaland wrestling scene:*

*j. Although not directly referenced in any complaint, one scene which Nike acknowledges may be considered to contain “violent content” is the Claymation wrestling sequence. In this clip, popular striker Erling Haaland kicks a ball through his opponents’ chest – no blood is shown. This clip lasts for a total of 5 seconds.*

*k. This violence is highly stylised and does not involve humans. The figures are rendered in clay, with an exaggerated wrestling style voiceover. Erling kicks the ball in a well-recognised bicycle kick and the soccer ball makes a clean hole through his opponent. There is no blood or gore, and no other characters are shown to be frightened. As reinforced by the voiceover, this scene is a play on Erling being a “striker” who is known for speed, strength and talent “inside the box” in football.*

*l. Nike considers that the highly stylised nature of this content and parody of Erling’s well-recognised bicycle kick is justifiable given the satirising of the word “scary” to the older targeted audience.*

*Previous Ad Standards decisions regarding violent content:*

*m. In responding to Ad Standards’ question on whether the level of violence was justifiable in the context of the product being advertised, Nike considered previous panel decisions on this section of the Code, including:*

*i. Panel decision 0176-24: In this determination, the fact that scenes of violence were “fleeting and not overly graphic or menacing” supported Panel’s decision that the violence was justifiable. The kind of violence depicted in Nike’s advertisement is not overly graphic or menacing, and each relevant clip is only on screen for seconds.*

ii. Panel decision 0101-22: In this determination, because the harm and injury portrayed was realistic (a black eye, and wrestling between two men), the violence was not justifiable in relation to the promotion of a financial product. In Nike's advertisement the violence is not at all realistic, which makes it more likely to be justifiable in relation to an "attacker's" football boot.

n. Overall, the Scary Good Ad satirises classic tropes of late-night TV, presented in a stylised and engaging way, using images of 8 famous offensive footballers to celebrate attacking footballers and Nike's newest football boots. Nike submits that the low level of violence is justified in this context.

o. Nike also reiterates that Nike did not create the Scary Good Ad to appeal primarily to children. However, when Nike understood that younger viewers had seen the ad on TV on demand services and become frightened, it immediately took the action described in paragraph 2 above to reduce the risk that the ad would be further viewed by children.

*AANA Code of Ethics – other sections:*

9. While the AANA Code of Ethics does prohibit the inclusion of certain other content in advertisements, Nike does not consider that the ad contains any other such content. For example, there is no discrimination, scenes depicting sex or nudity, and no inappropriate language. Nike therefore considers that the ad is compliant with the other sections of the AANA Code of Ethics.

*AANA Children's Advertising Code:*

10. Section 2.4 of the AANA Children's Advertising Code states that advertising to children (i.e. individuals under the age of 15) must not portray unreasonably frightening or distressing images or events.

11. While Nike acknowledges that several complaints relate to distress to children who viewed the Scary Good Ad, Nike does not believe the ad contravened this section as it was not "advertising which targets children". The AANA Children's Advertising Code notes that whether an advertisement "targets children" is to be assessed by reference to three criteria:

i. Nature and intended purpose of the product being promoted is principally or significantly appealing to Children;

ii. Presentation of the advertisement content (e.g. theme, images, colours, wording, music and language used) is principally appealing to Children;

iii. *Expected average audience at the time or place the advertisement appears includes a significant proportion of Children. AANA's Practice Note indicates that this criteria may be met where 25% or more of the predicted audience will be children.*

a. *With reference to the first criteria, the product being promoted is football, the professional athletes that play football under the Nike brand and Nike's football products (including boots). These are products that may be purchased by parents for children or may be of appeal to children. However, these products are also equally, if not more targeted, at older teens and adults who play football and/or who closely follow the global game.*

b. *With reference to the second criteria, the presentation of the Scary Good Ad is not principally appealing to children. The theme of the ad is satirising tropes commonly found on zombie movies, fortune tellers, infomercials, cheesy commercials for lawyers and wrestling matches. The visuals of the Scary Good Ad are also not principally appealing to children in that there are no bright colours, and while there is Claymation, it is not animation in a style that would be enticing to children.*

c. *Finally, with reference to the third criteria, the expected audience for the advertisement was not children. The advertisement was on TV on demand streaming services, not free-to-air TV (meaning that the time the ad appeared was not relevant for the purposes on the AANA's Children's Advertising Code). The ad was also shown to 9Now viewers - according to 9Now's terms of use, individuals must be over the age of 15 to create an account.*

d. *All shows referred to in the complaints (i.e. Lego Masters, Tipping Point and Taronga: Who's Who in the Zoo) are rated as PG indicating that they should only be viewed by children under the age of 15 with adult guidance. This rating suggests that a significant portion of the audience would not be children.*

e. *For these reasons, Nike considers that the AANA Children's Advertising Code does not apply because the Scary Good Ad is not targeted at children – it was instead created for an audience that were mid-teens and above.*

f. *Notwithstanding Nike's view as set out above that the Scary Good Ad does not contravene any of the AANA Codes, Nike's focus is on its customers. Nike has therefore taken steps to reduce the risk that the Scary Good Ad would be broadcast to children in the future.*

## **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).

The Panel noted the complainants' concerns that the advertisement contains images that are too frightening for an audience that includes 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).*
- *Compliance with the Outdoor Media Association Placement Policy and Health & Wellbeing Policy which regulate the placement of advertising at primary and secondary schools which are locations where Children regularly and predictably gather. Where accurate program audience data is not available, the Community Panel may have regard to other factors listed above such as the program content, the time or the location where the advertisement is being shown (in line with the above provision)."*

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

The Panel considered that the advertised product is the Nike brand, and in particular the range of football products. The Panel noted that the advertiser sells products for both children and adults. The Panel considered that many children in Australia play soccer, and show an interest in the brand and products. The Panel considered that while the product may not be principally appealing to children, it is likely to be significantly appealing to children.

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

The Panel noted the advertiser's response that the advertisement was targeted at mid-teens and above.

The Panel considered that the soccer themes of the ad would be particularly appealing to fans and people who play soccer themselves. The Panel noted that in Australia over one million people play as part of Miniroos, youth soccer or school football ([https://www.footballaustralia.com.au/sites/ffa/files/2025-02/21307\\_FA\\_Participation%20Reports\\_2024\\_High%20Res\\_FULL.pdf](https://www.footballaustralia.com.au/sites/ffa/files/2025-02/21307_FA_Participation%20Reports_2024_High%20Res_FULL.pdf)). The Panel considered that the theme of the advertisement would be principally appealing to children.

The Panel then considered the visuals and language of the advertisement. The Panel noted that the quick fast-moving scenes were similar to a video game or scary movie, and the inclusion of claymation and cartoons would be attractive to both children and adults through nostalgia. The Panel considered the more violent scenes, such as the claymation character having a soccer ball kicked through him, the character whose eyes pop out of his head, and the zombie whose head explodes into dust, would attract the attention of, and appeal primarily to, older children and teenagers aged 10 to 15. The Panel noted the definition of the children in the Children's Code is those under 15, and considered that the visuals and language of the advertisement would be principally appealing to children.

The Panel considered that while the advertisement would be attractive to older teenagers and adults, the content would be principally appealing to older children.

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

The Panel noted that the advertisement was shown on catch-up TV during programs that families would be likely to watch. The Panel considered while there was likely to be supervised children who viewed the advertisement, the expected average audience of the advertisement was unlikely to include a significant proportion of 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
- audiences for the advertisement would not include a significant proportion of children.

Weighing these three points, the Panel found that the advertisement did target older children and the provisions of the Children's Code do apply.

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

The Panel considered that the images would likely be frightening and distressing to young children, but considered that the level of violence and horror in the advertisement was similar to that found in cartoons and games targeted towards older children. The Panel considered the level of frightening images in the advertisement was not unreasonable for the audience of older children the advertisement was targeted towards.

**Section 2.4 conclusion**

The Panel concluded 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.**

Does the advertisement contain violence?

The Panel noted that the advertisement included a number of scenes which could be considered violent, including animated violence, and CGI violence.

The Panel considered that the advertisement does depict or suggest violence.

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

The Panel noted the Practice Note for this section of the Code which states:

*“Although the depiction of violence in an advertisement may be relevant to the story being told in the advertisement, any violence must also be justifiable in the context of the product being advertised, or else will be in breach of this section of the Code.*

*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.”*

The Panel noted that the advertisement was shown on catch-up TV during programs that families would be likely to watch. The Panel considered while there was likely to be supervised children who viewed the advertisement.

A minority of the Panel considered that the violence in the advertisement was not justifiable in the context of advertising football gear.

The majority of the Panel considered that although the scenes were violent, they were not excessive or gory, and the fleeting nature of each scene meant that the violence was not the focus of the advertisement. The Panel considered each of the scenes related to famous football players and soccer scenarios, and although exaggerated, these were relevant to the advertised product.

The Panel considered that the violence in the advertisement was justifiable in the context of the product advertised.

### **Section 2.3 conclusion**

The Panel concluded 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 complaints.