

<b>COMPLAINT NUMBER</b>	18/181
<b>COMPLAINANT</b>	E Middlemiss
<b>ADVERTISER</b>	Light Box
<b>ADVERTISEMENT</b>	Light Box, The Handmaid's Tale Radio and Digital Marketing
<b>DATE OF MEETING</b>	10 July 2018
<b>OUTCOME</b>	Not Upheld

## SUMMARY

The radio and Spotify advertisements featured a promotion for the television programme, *The Handmaid's Tale* – an adaptation of the dystopian novel by Margaret Atwood. A woman's voice is heard saying "Wear the red dress...wear the wings...shut your mouth...be a good girl...roll over...Yes Ma'am...may the lord open...seriously...what the actual ..."

The Complainant said it was inappropriate for children to be exposed to the adult themes of the advertisement, given that it was heard on the radio on the way to school and on a Spotify account.

The Advertiser confirmed the advertisement featured a brief audio excerpt of the television programme, *The Handmaid's Tale* and said the script for the audio advertisement had been edited and vetted so it could be played to a general audience including children. It stated the target audience were women between the ages of 25-54.

The Advertiser said the advertisement was designed so that a younger audience might also hear it without understanding the sub context. It confirmed the audio version does not contain offensive language, nor does it explicitly refer to violent or sexual themes.

The Complaints Board said that more effort could have been taken in the placement of the advertisement on radio to avoid younger audiences hearing it on the drive to and from school., However, the edited content meant children were unlikely to understand the adult themes of the advertisement. The Complaints Board agreed it did not reach the threshold to offend against generally prevailing community standards nor was it likely to cause serious or widespread offence, taking into account context, medium, audience and product.

The Complaints Board said the advertisement was not in breach of Rules 4 and 5 of the Code of Ethics and had been placed with a due sense of social responsibility as required by Basic Principle 4.

The Complaints Board ruled the complaint was Not Upheld.

### **[No further action required]**

Please note this headnote does not form part of the Decision.

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## **COMPLAINTS BOARD DECISION**

The Chair directed the Complaints Board to consider the complaint with reference to Basic Principle 4 and Rules 4 and 5 of the Code of Ethics. Rules 4 and 5 required the Complaints Board to consider whether or not the advertisement contained anything which clearly offended against the generally prevailing community standards or was likely to cause serious or widespread offence taking into account the context, medium, audience and product. The Complaints Board was also required by Basic Principle 4 to consider whether or not the advertisement had been prepared with a due sense of social responsibility.

### **The Complaints Board ruled the complaint was Not Upheld.**

#### **The Complaint**

The Complainant said it was inappropriate for children to be exposed to the adult themes of the advertisement, given that it was heard on the radio on the way to school and on a Spotify account.

#### **The Advertiser's Response**

The Advertiser confirmed the advertisement featured a brief audio excerpt of the television programme, *The Handmaid's Tale* and said the script for the audio advertisement had been edited and vetted so it could be played to a general audience including children. It stated the target audience were women between the ages of 25-54.

It said the advertisement was designed so that a younger audience might also hear it without understanding the sub context. The Advertiser confirmed the audio version does not contain offensive language, nor does it explicitly refer to violent or sexual themes.

#### **The Complaints Board Discussion**

The Complaints Board considered the information provided to it from all parties to the complaint. The Board began by discussing the likelihood of a child understanding the adult themes in the advertisement. The Board agreed that although the advertisement did have a dark, slightly foreboding tone, the wording had been edited to ensure there was nothing explicit featured.

The Board said it acknowledged the genuine concerns raised but took into account the Complainant was bringing a prior knowledge and context to the advertisement content. The Board agreed those unfamiliar with the programme content were unlikely to understand the scenes in the programme the advertisement referred to. The Complaints Board said the content of the advertisement was unlikely to cause serious or widespread offence to most people.

When considering the issue of placement, the Complaints Board referred to Decision 17/176, which the Chair of the Complaints Board ruled had no grounds to proceed. That Decision considered the issue of children hearing a radio advertisement with an adult theme.

That Decision said in part:

“...The Chair was advised the advertisement had been scheduled to play between 9am and 3pm with the intention that it not be broadcast during generally accepted school run hours. The Chair noted that some schools finish earlier than 3pm and encouraged the Advertiser and the Media to consider this when scheduling advertisements with adult entertainment content.

While acknowledging the Complainant's concern about the timing, the Chair said the advertisement was not graphic or salacious in nature. While the references made in

the “toys” engaged the attention of a child, it was unlikely that the true nature of the advertisement would be understood by children...”

In considering the complaint before it, the Complaints Board noted the Advertiser’s response stated it was targeting women between the ages of 25-54. However, based on the information provided to the Board, it appeared that the advertisement had been scheduled to reach a much wider audience. The Board agreed that the Advertiser and the Media should consider actively avoiding scheduling advertising with adult themes during times when children were likely to be listening on the drive to and from school.

On balance, the Complaints Board said the edited content of the audio advertisement meant children were unlikely to understand its adult themes and it did not reach the threshold to offend against generally prevailing community standards nor was it likely to cause serious or widespread offence, taking into account context, medium, audience and product.

The Complaints Board said the advertisement was not in breach of Rules 4 and 5 of the Code of Ethics and had been placed with a due sense of social responsibility as required by Basic Principle 4.

Accordingly, the Complaints Board ruled the complaint was Not Upheld.

## **DESCRIPTION OF ADVERTISEMENT**

The radio and Spotify advertisement featured a promotion for the television programme *The Handmaid’s Tale* – an adaptation of the dystopian novel by Margaret Atwood. A woman’s voice is heard saying “Wear the red dress...wear the wings...shut your mouth...be a good girl...roll over...Yes Ma’am...may the lord open...seriously...what the actual ...”

## **COMPLAINT FROM E MIDDLEMISS**

We listen to the radio in the car on the way to school with my 3 children, what I consider to be one of the better radio stations as far as content. It has been multiple times now that this ad from Lightbox, advertising the programme 'the handmaids tale' has been broadcast. It is so inappropriate that my children hear this. I don't even like to listen. To top it off I have discovered the same ad running on spotify, and now have discovered that my daughter has heard it as well. I honestly feel this is so inappropriate for children to be exposed to. It is hard enough as a parent trying to monitor all the technology usage and putting blocks on only to discover they have been exposed to this, some of the other ads are fine but I feel this one is taking it too far!

## **CODES OF PRACTICE**

### **CODE OF ETHICS**

**Basic Principle 4:** - All advertisements should be prepared with a due sense of social responsibility to consumers and to society.

**Rule 4: Decency** - Advertisements should not contain anything which clearly offends against generally prevailing community standards taking into account the context, medium, audience and product (including services).

**Rule 5: Offensiveness** - Advertisements should not contain anything which in the light of generally prevailing community standards is likely to cause serious or widespread offence taking into account the context, medium, audience and product (including services).

## RESPONSE FROM ADVERTISER, LIGHTBOX

Thank you for your letter and for allowing us an opportunity to respond to the complaint about our radio and Spotify audio advertisements for The Handmaid's Tale.

Lightbox aired two versions of this advertisement:

1. Audio advertisement aired on radio and Spotify, the transcript of which is set out in Appendix 1 of this letter ("**Audio Advert**"). This Audio Advert was edited so that it could be aired to general audiences including children. As we understand it is the Audio Advert that is the subject of this complaint we have focused our discussion on this version of the advertisement; and
2. Video advertisement, versions of which were aired in cinemas and on You Tube, Facebook, Spotify Video, Vena (digital ad banner service with video), NZ Herald (part of a banner with video) and Metservice (part of a banner). The transcripts are set out in Appendix 2 of this letter ("**Video Advert**"). This Video Advert was written and targeted at mature audiences aged over 18 years. It could only have been accessed on Spotify if the subscriber was aged over 25 and "opted in" to receive 30 minutes of ad free music. As we understand this version was not the subject of the complaint, we refer to it for completion only.

Also **attached** to this letter:

- Appendix 3: the completed ASA response template setting out key information;
- Appendix 4: PHD media radio broadcast schedules for the Audio Advert.

### **Audio Advert airing on radio and Spotify**

As noted above, we understand that the Audio Advert is the only version of the advertisement that is the subject of this complaint. We also understand that the ASA has identified the following sections of its Codes of Practice as being relevant to this complaint:

- Code of Ethics Basic Principle 4 – social responsibility to consumers and to society;
- Rule 4 - decency; and
- Rule 5 - offensiveness.

The Audio Advert was last aired on both radio and Spotify on 16 May 2018 and will not be aired by Lightbox again.

The Audio Advert was created by our creative agency, Shine, using a trailer supplied to us by the studio, MGM, to give our target audience, women aged between 25 and 54, a "teaser" of The Handmaid's Tale. It featured a brief audio excerpt of the programme. The Handmaid's Tale is a dramatic series based on Margaret Atwood's novel about a dystopian society and the trailer is intended to provoke an awareness of the main character's intention to resist this society's subjugation. Lightbox's line for the advert is "light up your resistance".

Our media agency, PHD Media, was responsible for booking broadcast spots for the Audio Advert and requested radio scheduling based on top performing stations with listeners aged between 30 and 54 and on Spotify to female subscribers aged 25 years and older. Spotify verifies the age of its subscriber's when they sign up to the service with their date of birth and, with this information, advertising is then able to target the appropriate age group.

As the Audio Advert was to be played on radio stations such as the Breeze, Lightbox took steps to ensure the Audio Advert was prepared with a due sense of social responsibility and would neither breach prevailing community standards nor cause serious or widespread

offence. Although the themes contained within the dramatic series are aimed at adult audiences (which we note is only viewable in New Zealand on the Lightbox platform and account holders must be 18 years or older), the Audio Advert was designed so that a younger audience might also hear it without understanding the sub context. The Audio Advert does not contain offensive language, nor does it explicitly refer to violent or sexual themes.

Prior to releasing the Audio Advert to Mediaworks, Lightbox sought feedback on the transcript (via its media agency, PHD) from The Radio Bureau (a radio advertising agency) and Mediaworks to ensure the Audio Advert could be played on stations that would be heard by children without causing offence. Lightbox made all recommended changes.

### **Video Advert airing in cinemas and on other forms of media**

We understand that the Video Advert is not subject to this complaint. However, we note that Lightbox ceased playing this advertisement on Spotify on 16 May 2018 and has now ceased airing all versions of the Video Advert in the media with the exception of You Tube's director MIX which has 18+ targeting. This You Tube advertising will cease on 1 August 2018.

Please refer to Appendix 2 for the transcripts for the Video Advert.

We are sorry that the complainant considered the Audio Advert to be inappropriate for her children to hear, but we note that we have not had any other complaints in relation to the Audio Advert or the Video Advert. We reiterate that Audio Advert will not be broadcast by Lightbox again.

### **ASA response template setting out key information**

Contact person for advertising complaints	Tracy Watson (Lightbox Legal)
Name and contact at creative agency	Shine – Abi Spence
Name and contact at media agency	PHD – Sarah Donald
A basic, neutral description of the advertisement subject to complaint 18/181	Audio Advert - radio and Spotify advertisement for the Lightbox show The Handmaid's Tale, which provides audio excerpts to illustrate the show's key premise.
Date advertisement began	26 April 2018
Where the advertisement appeared (all locations e.g. TV, Billboard, Newspaper Website)	Radio and Spotify – Audio Advert, the subject of the complaint. Refer to script attached as Appendix 1 You Tube, Facebook, Spotify Video, Vena, NZ Herald, Metservice and cinemas – Video Advert, not subject of the complaint. Refer to script attached as Appendix 2.

Is the advertisement still accessible – where and when?	Radio (Audio Advert) – final airing 16 May 2018 Spotify (Audio Advert and Video Advert)– final airing 16 May 2018 You Tube director's MIX (Video Advert) 1 August 2018 All other media (Video Advert) has now ceased.
A copy of digital media file(s) of the advertisement – if the complaint relates to onscreen graphic, please send a broadcast quality version.	N/A
Who is the product / brand target audience?	Females, 25 years and older
The response from the advertiser is included in the published decision. The ASA is not able to accept confidential or proprietary information. Please contact the Complaints Manager if this is an issue.	Noted
<b>For Broadcast advertisements:</b>	Radio, Spotify, You Tube, Facebook, Spotify Video, Vena, NZ Herald, Metservice and cinemas
A copy of the script	Refer to Appendix 1 for the Audio Advert script and Appendix 2 for the Video Advert script.
A copy of the media schedule and spot list	Refer to Appendix 4 for the radio schedule
CAB key number and rating	Not applicable
<b>For Digital advertisements:</b>	
What platform tools have you used to target your audience?	You Tube, Facebook, Spotify, Vena, NZ Herald, Metservice

## RESPONSE FROM MEDIA, MEDIWORKS

Mediaworks is deferring to the Advertiser on this matter.

### APPEAL INFORMATION

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website [www.asa.co.nz](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 days of receipt of this decision.