

<b>COMPLAINT NUMBER</b>	18/234
<b>COMPLAINANT</b>	C Robertson
<b>ADVERTISER</b>	TVNZ
<b>ADVERTISEMENT</b>	Wellington Paranormal, Out of Home
<b>DATE OF MEETING</b>	7 August 2018
<b>OUTCOME</b>	Settled – advertisement removed

## SUMMARY

The poster advertising campaign for the television programme, *Wellington Paranormal*, consisted of three images including a demonic looking possessed girl posing in a police mugshot style photo, with the wording 'Wanted for Possession.' The programme's scheduling details featured on an identification board at the bottom of the poster.

The Complainant said the poster of the possessed girl was very frightening to children and the Advertiser needs to be mindful of the wide audience for a street poster.

The Advertiser said the poster was one of three billstickers promoting TVNZ's comedy "*Wellington Paranormal*" and the posters were not intended to be stand-alone images.

The Advertiser said the image is framed as a comedic, satirical and humorous spot that is engaging and eye catching for the audience and it believes it fairly promotes the essence of the programme. The Advertiser acknowledged that the particular image on its own could be confronting for some children and advised its media providers to remove any outstanding billstickers in Wellington and Christchurch immediately.

The Complaints Board said that the unrestricted poster medium, meant it was likely the image of the possessed girl would be confronting to children who did not understand the humorous context. The Complaints Board agreed that the poster advertisement in an unrestricted environment had breached Basic Principle 4 and Rules 4 and 5 of the Code of Ethics.

However, as the campaign had concluded and the Advertiser had asked the media to remove any remaining posters, the Complaints Board said the complaint could be considered settled.

The Complaints Board ruled the complaint was Settled.

### **[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 advertisement with reference to Basic Principle 4 and Rules 4, 5 and 6 of the Code of Ethics. This required the Complaints Board to consider whether the advertisement contained anything which clearly offended against generally prevailing community standards or was likely to cause serious or widespread offence taking into account the context, medium, audience and product (including services). The Complaints Board was also required to consider whether the advertisement unjustifiably played on fear and whether the advertisement had been prepared with a due sense of social responsibility to consumers and to society.

### **The Complaints Board ruled the complaint was Settled**

#### **The Complaint**

The Complainant said the poster of the possessed girl was very frightening to children and the Advertiser needed to be mindful of the wide audience for a street poster.

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

The Advertiser said the poster was one of three billstickers promoting TVNZ's comedy "Wellington Paranormal" and the posters were not intended to be stand alone images. The first execution (the billsticker in question) features a girl who has been possessed, the second execution the two lead police officer characters, and the third execution a "vampire" character.

The Advertiser said the image is framed as a comedic, satirical and humorous spot that is engaging and eye catching for the audience and it believes it fairly promotes the essence of the programme. The Advertiser acknowledged that the particular image on its own could be confronting for some children and advised its media providers to remove any outstanding billstickers in Wellington and Christchurch immediately.

#### **The Media's Response**

The Media said it did not consider the poster was likely to frighten children as the image was no worse than a lot of imagery you see advertising movies, books etc. The Media confirmed the size of the poster was 920mm by 1320mm.

### **The Complaints Board Discussion**

#### **Precedents**

To assist in coming to its decision the Complaints Board reviewed two precedent decisions: Complaint 17/330, which was Not Upheld, and Complaint 12/333, which was Upheld.

The first precedent decision 17/330, concerned a poster on the back of a bus advertising the movie *IT*. In its decision, the Complaints Board agreed the Complainant's concerns about the advertisement scaring children relied on pre-existing knowledge of the IT storyline. Without this knowledge, the Complaints Board said the image shown in the advertisement did not unduly play on fear and was unlikely to cause serious or widespread offence.

The second precedent decision 12/333, concerned a billboard advertisement for the Spookers horror theme park. The Complaints Board gave particular consideration to the medium in which the advertisement appeared. It noted that the advertisement was placed in a high traffic area which meant that that it was visible to a wide cross-section of the general public. The Complaints Board said, despite its relocation, the high visibility of the billboard meant the graphic nature of the advertisement was likely to be seen by, and likely to frighten, many children who were not the Advertiser's target market.

Turning to the complaint before it, the Complaints Board agreed the advertisement had been designed to be humorous and viewed from an adult perspective and was in keeping with the tone of the programme being promoted. The Board said the play on words “Wanted for Possession” was unlikely to be understood by children and without the context of humour, a child would be solely focused on the menacing image of the female.

The Complaints Board agreed that the placement of large posters where children had unrestricted access increased the likelihood of the advertisement causing serious or widespread offence, particularly to younger children.

The Complaints Board agreed the fear element associated with Rule 6 of the Code of Ethics was not applicable to this complaint as the Advertiser’s intent had been one of humour rather than any attempt to play on fear.

The Complaints Board considered whether the advertisement was likely to cause serious or widespread offence, taking into account context, medium, audience and product and if it had been prepared and placed with a due sense of social responsibility. The Complaints Board said that the unrestricted poster medium meant the image of the possessed girl would be confronting to children who did not understand the humorous context. The Complaints Board agreed that the poster advertisement in an unrestricted environment had breached Basic Principle 4 and Rules 4 and 5 of the Code of Ethics.

However, as the campaign had concluded and the Advertiser had asked the media to remove any remaining posters, the Complaints Board said the complaint could be considered settled.

Therefore, the Complaints Board ruled the complaint was settled.

## **DESCRIPTION OF ADVERTISEMENT**

The poster advertising campaign for the television programme, *Wellington Paranormal*, consisted of three images included a poster of a demonic looking girl posing in mug-shot style photo, with the wording ‘Wanted for Possession.’ The programme’s scheduling details feature on an identification board at the bottom of the poster.

## **COMPLAINT FROM C ROBERTSON**

On a poster, Willis Street, Wellington. Tuesday 10th July. I think on Phantom Billsticker hoarding but not 100 percent sure. My 4-year-old son who is pretty robust was very distressed by the poster of the female character on these posters with the text 'Arrested for possession' or similar. We were on a bus so I didn't have time to photograph it but can send a link to the image online if required. My son was terrified by the picture and covered his eyes on the journey home in case he saw it again. He is now too scared to sleep at night. For young children this is a very frightening poster, and advertisers need to be mindful of the wide audience a street poster will have.

## **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).

**Rule 6: Fear** - Advertisements should not exploit the superstitious, nor without justifiable reason, play on fear.

## RESPONSE FROM ADVERTISER, TVNZ

Please see attached a copy of the three executions as they were in all of the billstickers to give better context (the possessed girl was not a standalone image), and the complaint response from TVNZ.

In terms of the Advertising Code of Practice  
Code of Ethics - Basic Principle 4, Rule 4, Rule 5, Rule 6;

4. All advertisements should be prepared with a due sense of social responsibility to consumers and to society.

The advertisement were designed to promote a comedy, a spoof of police procedural reality programmes such as *Police Ten 7* with a paranormal focus. The images which are used show two perps after being arrested (shown in classic mugshots). The image of the possessed girl shows her simply standing holding an identification board for *Wellington Paranormal*. She is not threatening or violent in the image. Her teeth, eyes and hands point to her being from the “paranormal realm” but are not in themselves socially irresponsible in their depiction. This image when alongside that of the police officers and the other rather sad looking vampire clearly signals the comedic intent of the images.

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).
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).

Taking these rules together, the images were part of an outdoor campaign and are clearly signalled as being comedic in the execution. There is no indecent material in the image, no violence, coarse language or sexual material is depicted. While the girl is possessed, she is also under arrest, depicted in a classic mug-shot. Given the context of the images and the story that they show together and the intent of humour, TVNZ does not consider that the image would cause widespread offence.

6. **Fear** – Advertisements should not exploit the superstitious, nor without justifiable reason, play on fear.

The Wellington Paranormal execution does not make an unfair use of fear to give an undue advantage. The intent of the image is comedy rather than “fear”. The “paranormal” aspects of the girl’s look are presented in a matter of fact way and are not

played on, or furthered to create fear. She is simply one of the many “weirder work stories” that Minogue and O’Leary encounter in the programme. In the series of images the outtake would not be of a fearful scenario. However, we also acknowledge the complaint that the particular image on its own could be confronting for some children. As a result, TVNZ Marketing have advised our media providers to remove any outstanding billstickers in Wellington and Christchurch.

Contact person for advertising complaints	
Name and contact at creative agency	C/- TVNZ Marketing (internal creative team)
Name and contact at media agency	Sebastian van Dyk Starcom
A basic, neutral description of the advertisement	One of three billstickers, each with separate creative executions promoting TVNZ's comedy “Wellington Paranormal”. The first execution (the billsticker in question) features a girl who has been possessed, the second execution the two lead police officer characters, and the third execution a “vampire” character. Each execution includes taglines and details pushing to TVNZ2.
Date advertisement began	Monday 2 <sup>nd</sup> July – Sunday 15 <sup>th</sup> July.
Where the advertisement appeared (all locations e.g. TV, Billboard, Newspaper Website)	This particular execution appeared in billstickers in a number of sites across Wellington and Christchurch
Is the advertisement still accessible – where and until when?	The campaign finished on 15 <sup>th</sup> July. We have followed up with both Phantom and Shout Billstickers, and have been advised that some billstickers have remained up free of charge past the 15 <sup>th</sup> . We have notified them of the complaint and they have assured us that all will be removed by 27 <sup>th</sup> July.
A copy of digital media file(s) of the advertisement – if the complaint relates to on-screen graphic, please send a broadcast quality version.	
Who is the product / brand target audience?	The rating of the programme involving the character depicted in the billsticker is PGR.

	The commercial demographic for TVNZ2 is 18-49 year olds. The show has been particularly aimed at fans of comedy.
Clear substantiation on claims that are challenged by the complainant.	The images are presented in the context of three images promoting the New Zealand-made comedy "Wellington Paranormal" for TVNZ2. The programme is a tongue-in-cheek, mockumentary-style programme following two police characters who investigate "paranormal" activity in Wellington. The intention is humour rather than being horrifying. Alongside the image in question, there is a picture of the two leading police characters, and beside them a vampire, indicating that the police are "investigating" the two paranormal characters. The images are complemented with taglines as well as logos for NZ On Air and The NZ Documentary Board, and references to the programmes creators, Taika Waititi and Jemaine Clement. The image is framed as a comedic, satirical and humorous spot that is engaging and eye catching for our audience and we believe it fairly promotes the essence of the programme. However, we also acknowledge that the particular image on its own could be confronting for some children. As a result, we have advised our media providers to remove any outstanding billstickers in Wellington and Christchurch immediately
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.	

## RESPONSE FROM MEDIA, PHANTOM BILLBOARDS

This poster design didn't raise any alarm bells when it came through and we were surprised to hear there had been a complaint received.

The imagery didn't strike us as more likely to frighten children than a lot of imagery you see advertising movies, books etc in pretty wide circulation.

I'm a parent and I'm not particularly a horror fan (either it scares me which I don't like, or it's not scary which means it didn't work) so I don't think I'd be blase about this.

I guess as an adult I know that the show is comedy (part of a wonderful seam of Wellington creativity that stretches back to the posters for Peter Jackson's *Bad Taste* I remember seeing as a child on the streets of Wellington). Of course, a child couldn't be expected to understand that without adult direction.

The campaign is over and no more of the posters are being placed so there's not a remedy available in that regard.

But we will of course accept the findings of the ASA and use them to inform future decisions about what artwork to run or reject.

This response is on behalf of Phantom Billstickers only, if you're already talking to the broadcaster then I'm sure they'll have better access to the creative teams that made the show, did the makeup and designed the poster.

#### **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.