

COMPLAINT NUMBER	19/352
COMPLAINANT	J Priscott
ADVERTISER	Roadshow Films
ADVERTISEMENT	Rambo, Television
DATE OF MEETING	15 October 2019
OUTCOME	Not Upheld No Further Action Required

Description of Advertisement

The television advertisement promoting the film *Rambo Last Blood* shows a montage of clips from the film in which the character Rambo played by Sylvester Stallone, appears in a range of fight scenes. There are also explosions and the voiceover says, “You’re dealing with an expert with guns, with knives, with his bare hands.” The Rambo character ends the advertisement saying, “I’m going to tear you apart.”

Summary of the Complaint

The Complainant is concerned the advertisement played at an inappropriate time when children would be exposed to the violent nature of the content. The Complainant confirmed the advertisement was viewed at 7:25 pm during *Seven Sharp* on TVNZ 1.

Issues Raised

- Social Responsibility
- Decency and Offensiveness
- Violence and Antisocial Behaviour

Summary of the Advertiser’s Response

The Advertiser said the advertisement was promoting an action film which was reflected in the choice of scenes shown. The advertisement had been given a PGR rating by the Commercial Approvals Bureau and it had been advised it was appropriate to run during the specific exemption spot during *Seven Sharp*.

Summary of the Media Response

The Commercial Approvals Bureau confirmed the PGR rating, which excludes the advertisement from playing at times or during programmes that are intended for children.

In addition, audience profiles received from TVNZ show that the audience profile for the *Seven Sharp* screening shows 3% of the audience were under 15 years of age.

Summary of the Complaints Board Decision

The Complaints Board did not uphold a complaint about the trailer advertisement for the *Rambo Last Blood* film. The Complaints Board agreed the advertisement had played within its afforded rating and given the context of an action film, had not shown excessive violence. The Complaints Board said the advertisement was socially responsible, taking into account context, medium, audience and product and had not met the threshold to breach Principle 1 and Rules 1(c) and 1(f) of the Advertising Standards Code.

Relevant ASA Codes of Practice

The Acting Chair directed the Complaints Board to consider the complaint with reference to the following code

ADVERTISING STANDARDS CODE

Principle 1: Social Responsibility: Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.

Rule 1(c): Decency and Offensiveness: Advertisements must not contain anything that is indecent, or exploitative or degrading, or likely to cause harm, or serious or widespread offence, or give rise to hostility, contempt abuse or ridicule.

Rule 1(f): Violence and Anti-social Behaviour: Advertisements must not, unless justifiable on educational or social grounds, contain anything that condones, or is likely to show, violent or anti-social behaviour or damage to property.

Relevant precedent decisions

In considering this complaint the Complaints Board referred to precedent Decision 18/073, which was ruled No Grounds to Proceed by the Chair of the Complaints Board

The full version of this decision can be found on the ASA website
<https://www.asa.co.nz/decisions/>

Decision 18/073 concerned a television advertisement for the film *Red Sparrow*, which the Complainant said was played at an inappropriate time for children ...

The Chair was of the view that the adult themes and violent images in the advertisement were fleeting and the advertisement had played within its afforded rating.

Complaints Board Discussion

Consumer Takeout

The Complaints Board agreed the likely consumer takeout was the advertisement was promoting the latest in a series of Rambo action films.

Did the advertisement play within its afforded rating?

The Complaints Board confirmed that while the movie *Rambo Last Blood* carried an R18 rating, the *Rambo* trailer had been given a PGR (Parental Guidance Recommended) rating by the Commercial Approvals Bureau. This rating excludes the advertisement from playing at times or during programmes that are intended for children. The Board noted that the advertisement screened during *Seven Sharp*, which is categorised as Unclassified Programming.

The Broadcasting Standards Authority defines Unclassified Programming as “news, current affairs, sports and live content is not, because of its distinct nature, subject to classification. However, broadcasters must be mindful of children’s interest and other broadcasting standards and include audience advisories (i.e. a warning) where appropriate “

The Complaints Board also referred to the Nielsen audience viewing data provided to it which showed that only 3% of the audience watching *Seven Sharp* on the 16th September were under the age of 15. The Complaints Board agreed that the Advertiser had attempted to target the appropriate audience in the placement of the advertisement.

Does the advertisement condone violent or anti-social behavior?

In the context of a trailer for a well-known action film genre, where viewers are likely to know the content of the film, there was unlikely to be any element of surprise in the nature of the advertisement. The Complaints Board said the images had a war-like feel to them and noted that the scenes did not focus on people being attacked, but rather on explosions and the actions of the Rambo character.

The Complaints Board said the advertisement was socially responsible, taking into account context, medium, audience and product and had not met the threshold to breach Principle 1 and Rules 1(c) and 1(f) of the Advertising Standards Code.

Outcome

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

No further action required.

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. Appeals must be made in writing via email or letter within 14 days of receipt of this decision.

APPENDICES

1. Complaint
2. Response from Advertiser
3. Response from Media

Appendix 1

COMPLAINT FROM J PRISCOTT

Ad for Rambo movie was shown during ad-break during seven sharp on TV1. We felt ad was very inappropriate for its time slot and showed violence etc when young children are likely to be around.

Appendix 2

RESPONSE FROM ADVERTISER, ROADSHOW FILMS

A basic, neutral description of the advertisement	15 second advertisement for upcoming release of the fifth instalment of Rambo – television spot features Sylvester Stallone in action sequence and call outs to in cinemas Thursday
Date advertisement began	5 th September - 18 th September
Where the advertisement appeared (all locations e.g. TV, Billboard, Newspaper Website)	Television
Is the advertisement still accessible – where and until when?	No, it is not still accessible
A copy of digital media file(s) of the advertisement – if the complaint relates to on-screen graphic, please send a broadcast quality version.	In link https://spaces.hightail.com/receive/XX2RH3LkWF
Who is the product / brand target audience?	M25-54
Clear substantiation on claims that are challenged by the complainant.	The film has a central character which is played by Sylvester Stallone as his iconic Rambo character in a fifth instalment, our intention was to market the film and the film only. We made this clear by including a large “IN CINEMAS THURSDAY” call to action in the lower third and on the end card.

	<p>The movie being advertised is in the action genre, so the television advertisement is clearly for a film of this nature.</p> <p>We planned our television campaign to focus on M25-54 and were only on-air post 7pm.</p> <p>We were also advised by CAB that the rating for this specific exemption spot was a PGR which indicated it was appropriate to run during that timing. Any ratings higher we have run at a later timeslot.</p>
Clear substantiation on claims that are challenged by the complainant.	<p>The film has a central character which is played by Sylvester Stallone as his iconic Rambo character in a fifth instalment, our intention was to market the film and the film only.</p> <p>We made this clear by including a large “IN CINEMAS THURSDAY” call to action in the lower third and on the end card.</p> <p>The movie being advertised is in the action genre, so the television advertisement is clearly for a film of this nature.</p> <p>We planned our television campaign to focus on M25-54 and were only on-air post 7pm.</p> <p>We were also advised by CAB that the rating for this specific exemption spot was a PGR which indicated it was appropriate to run during that timing. Any ratings higher we have run at a later timeslot.</p>
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.	
For Broadcast advertisements:	
A copy of the script	<p>In link</p> <p>https://spaces.hightail.com/receive/XX2RH3LkWF</p>
A copy of the media schedule and spot list	Sent as email attachment

(Please remove all financial information)	
CAB key number and rating	Key Number - RLB20172515NZ CAB Rating - PGR
For Digital advertisements:	NA
What platform tools have you used to target your audience?	NA

Appendix 3

RESPONSE FROM MEDIA, COMMERCIAL APPROVALS BUREAU

Roadshow NZ Television Advertisement

COMPLAINT: 19/352 KEY: RLB20172515NZ RATING: PGR

CAB approved this Rambo commercial on 11/09/19 with a PGR classification.

The PGR classification specifically excludes this commercial from playing at times or during programmes that are intended for children.

'PGR' stands for 'Parental Guidance Recommended' and all news and current affairs programmes on New Zealand television carry this rating.

The commercial was approved to play in its appropriate airtime, matched with appropriate PGR programming.

It is the responsibility of parents to ensure that their young children are viewing appropriate programming in the family home – no technology or policy can replace this important responsibility.