

COMPLAINT NUMBER	21/048
ADVERTISER	Madman Entertainment NZ
ADVERTISEMENT	The Marksmen, OnDemand Television
DATE OF MEETING	9 February 2021
OUTCOME	No Grounds to Proceed

Advertisement: The Madman Entertainment TVNZ OnDemand television advertisement showed a trailer for the film *The Marksman*. The trailer showed images of guns, violence and a car crash.

The Chair ruled there were no grounds for the complaint to proceed.

Complaint: There is an ad for an R13 movie called "The Marksmen" which has been displayed on TVNZ's One News for the last two nights.

As children under the age of 13 are watching the news at this time, it is inappropriate for this ad showing some quite graphic violence be shown at this time. This has scared my 11 year old and 8 year old.

It is unclear whether this is a broadcasting issue because they choose to show the ad this time or is an advertising standard that is breached.

The relevant provisions were Advertising Standards Code - Principle 1, Rule 1(c), Rule 1(f);

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.

The Chair noted the Complainant was concerned the advertisement was shown at an inappropriate time.

The Chair noted the Complainant had viewed the advertisement while watching TVNZ OnDemand. The Chair confirmed that advertisements are served through the TVNZ OnDemand platform using the account holder profile information, such as age and gender.

The Chair noted the Media had confirmed *The Marksman* advertising campaign had targeted a male 35+ age demographic. The Chair said this means the advertisement would only have been served to those viewers whose user profiles were registered in line with this criteria. The Chair said viewers with these profiles could expect to be served

advertisements based on the registered user's profile, as in this case with a PG13 rated film trailer.

Rule 1(c) of the Advertising Standards Code required the Chair to consider whether images of violence in this context was likely to cause serious or widespread offence in light of generally prevailing community standards. The Chair noted the Complainant's objections to the advertisement but said the placement of the advertisement served to an adult OnDemand user profile meant it did not reach the threshold to cause serious or widespread offence for most consumers.

The Chair said the advertisement had been prepared and placed with the due sense of social responsibility required and said it was not in breach of Principle 1 or Rules 1(c) and 1(f) of the Advertising Standards Code.

The Chair ruled there were no grounds for the complaint to proceed.

Chair's Ruling: Complaint **No Grounds to Proceed**

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 calendar days of receipt of this decision.