



22 September 2006

SUBMISSION TO AUSTRALIAN GOVERNMENT

ATTORNEY-GENERALS' DEPARTMENT

REVIEW OF ADVERTISING OF UNCLASSIFIED MATERIAL UNDER THE NATIONAL CLASSIFICATION SCHEME.

SECTION 1—ORGANISATIONAL DETAILS

1.1 Name

Australian Council on Children and the Media (trading as Young Media Australia (YMA))

1.2 ABN

16 005 214 531

1.3 Description

Young Media Australia (YMA) is a unique national community organisation whose members share a strong commitment to the promotion of the healthy development of Australian children. Their particular interest and expertise is in the role that media experiences play in that development.

YMA is structured as a not for profit company limited by guarantee (incorporated in Victoria in 1957), with a national Board representative of major child focussed organisations in Australia.

YMA is committed to promoting better choices and providing stronger voices in children's media.

SECTION 2—SUBMISSION

SUMMARY COMMENT

Young Media Australia has not been satisfied with the present scheme, whereby a quota of films which are unclassified can be advertised, before classification. We find that this has exposed children to age-inappropriate trailers, which have frightened and disturbed them.

YMA strongly believes in the principle that if a parent has chosen a film which he/ she believes is of an appropriate classification and content for their child, they should not be ambushed by trailers/advertising, of which they have no prior knowledge, and which may contain images which may disturb their child.

YMA is opposed to the present proposals which would allow unclassified films to be advertised prior to classification, and is also opposed to the extension of this to DVDs and computer games.

Comment on the specific proposals

1. The proposal is to update the current definition of advertising to specifically include the Internet and exclude product merchandising, including clothing, in recognition of where consumers get their classification information.

Comment: This proposal intends that the proposals will apply to those key areas where consumers get their classification information.

YMA agrees that the current definition of advertising should include the Internet.

However, it would appear that children often get salient information about films etc from cereal packets in supermarkets, fast food chains, the sides of buses, and from displays in sales outlets such as Australia Post. YMA believes that classification information, such as “yet to be classified” should be required to be displayed in such situations, in recognition that marketing of films, DVDs games etc to children takes place in areas unlike those for adults.

2. The proposal is to remove the anomaly that currently allows for films likely to be classified PG to be advertised during exhibition of a G rated film and remove the prohibition on advertising unclassified films likely to be classified R18+. This will apply to both public exhibition films and other films (DVD/video).

Comment:

YMA supports the proposal that advertisements for PG films not be screened with G films/product.

YMA would like to know more detail about where and when R18+ product is intended to be advertised. This should not be permitted in publications, games or, films likely to be accessed by children.

3. Industry would assess the likely classification of products, to ensure advertising is shown to commensurate audiences.

Comment: The argument advanced for this is that the industry is successfully doing this for computer games.

YMA argues that in the games process, the industry assessors only make recommendations to the OFLC, and the OFLC has the final checks and decision. No such prior checks are proposed here.

There is little evidence to support the assertion that the industry is likely to be accurate in judging the likely classification, and much to lose for the child audience if the industry assessor gets it wrong.

4. The proposal includes safeguards to protect consumers and ensure consistency and quality of decisions by industry assessors on the likely classification of unclassified advertising material.

Comment: the safeguards proposed include mandatory training and then “after the event” penalties such as revocation of assessor status, and being permitted to advertise unclassified products.

YMA urges that such training (if this scheme is accepted) should also include the provision of understanding that the impact of combining the most scary/ violent scenes from a movie, into a trailer, considerably increases the impact on a child audience (and often beyond that of the original film) .

In YMA’s view, “after the event” penalties do not provide sufficient protection for the child audience, who may well be traumatised, in very large numbers, by a wrong decision.

Further, “after the event” penalties depend on consumer complaint (which depends on parents having the time and knowledge about where to complain effectively), and levels of repeated offences. There is some provision for random auditing procedures, but this is not adequate.

5. The proposal is to widen the use and knowledge of the consumer message for advertising of unclassified products. A new short and long advertising message will be introduced advising users to check the classification.

Comment: This proposal encourages consumers to check the classification before purchasing .

YMA’s view is that this is not of much help for children, who may have been captivated by the advertising for the “yet to be classified” product, in a range of different fora .

6. The proposal requires that either the short or long advertising message be included on all advertising material for unclassified products including all films and computer games. Advertising within the control of industry would require updating once a product is classified.

Comment: if the overall scheme is accepted, this is satisfactory.

7. Industry will still be required to replace the advertising message with the actual classification within 7 days of the product being classified, and within 48 hours of the classification for printed material. Industry would also be required to display the classification message, in advertisements in public exhibition trailers, the Internet and print media, for a minimum period (such as 2 days) prior to release of cinema films.

Comment: this proposal is satisfactory so far as it goes, but still does not provide for the “alternative” forms of advertising (as above) used with children.

8. The proposal is to remove the current quota scheme that applies to cinema release films.

Comment: YMA strongly supports this.

9. The proposal is to remove the prohibition on advertising unclassified films (such as DVDs/video) and unclassified computer games so the regulatory scheme is consistent across products to the extent possible. Industry would be able to advertise these products prior to classification.

Comment: YMA does not support the advertising of unclassified film, DVD or computer game material. YMA believes that it is entirely unsatisfactory for a product to be advertised if the nature of its ingredients cannot be clearly and responsibly identified and relied upon.

YMA knows that there is a long history of children and their parents being ambushed by unsuitable trailers in cinemas (and on TV), with resulting sleep disturbance, increases in fears and anxieties.

If advertising of unclassified materials is to be allowed, this increases the likelihood that children will be subjected to advertising for products that may be age-inappropriate for them.

Distributors of films and games will be seeking the widest audience possible for their advertising. This means that they will be wanting to advertise in films classified in the range G-M, ie those classifications that children are most likely to see. There will be pressure for distributors to assess films as being in this range rather than in MA 15+ or R18+.

YMA considers that a compromise would be for the industry to be permitted to advertise unclassified product by means of a “still” only, and which carries the approved advertising message.

10. A comprehensive review of the changes would be carried out after 3 years.

Comment: If this proposal is adopted, then a review should be held within one year initially. Three years is far too long for such a scheme, with its potential for harm to children, to run.

11. Publications are specifically excluded from the proposal.

Comment: YMA agrees.

12. The prohibition on advertising sexually explicit products will be retained.

Comment: YMA agrees.

13. The prohibition on advertising products that are, or are likely to be, refused classification will be retained.

Comment: YMA agrees.

NOTE: YMA is happy to expand on these comments, or to provide further information.



Barbara Biggins
Hon CEO