

ASA Ruling on Spotify Ltd

🔗 Upheld in part | Internet (video) | 17 October 2018

Background

Summary of Council decision:

Two issues were investigated, both were Upheld in part.

Ad description

A pre-roll ad seen on YouTube in June 2018 for Spotify featured a number of scenes in quick succession and tense sound effects that imitated the style of a horror film. The ad opened with a shot of three characters having breakfast. One character said, "Can you play the wakeup playlist?" and they played a particular song from their phone. That was followed by a shot of another character rousing himself and saying, "Turn that up." As the music was turned up, a shot showed a horror film style doll in a dilapidated old room raising its head and tense music was played to accompany the song. Several shots followed of the doll ambushing the characters in the ad whenever they played the song and implicitly attacking them. The final shots showed one character attempting to convince the other not to play the song. The ad showed the character taking hold of the other character's hand to stop him playing it but then the doll's hand reached out to press play. The final shots of the ad showed the doll's face alongside text which stated, "Killer songs you can't resist".

The ad was seen during a video on the YouTube channel for DanTDM, a gaming channel.

Issue

The complainant, who was a parent said their children saw the ad and found it distressing, and objected that the ad was:

1. unduly distressing; and
2. irresponsibly targeted, because it was seen during videos that were of appeal to children.

Response

1. Spotify said that they took care to ensure that the ad did not cause undue distress. The ad was shot to appear as a humorous parody of a horror movie trailer and they considered that viewers would understand that context when viewing the ad. They noted that although the ad contained scenes that could be recognisable as similar to horror film-style, they did not include any scenes that included gore, violence or scenes that were overly frightening. They considered that the soundtrack of the ad, which was an upbeat popular song, would contrast in a humorous way to the scenes and that viewers would consider that the overall effect was humorous. They said that the dialogue at the end of the ad would dispel any remaining tension and make clear that the ad was a spoof, and taken alongside the on-screen text "Killer songs you can't resist" would be considered by viewers in context as a humorous spoof of a horror film.

2. Spotify said that the ad was intended for an adult audience and was particularly targeted towards adults aged 18 to 34. They understood that the tools provided to them by YouTube to target ads towards a particular age group and demographic used a combination of self-identification by YouTube users and probabilistic data based on the user's behaviour across the internet. Their agency had applied relevant content exclusions including ensuring that the ad was not shown alongside shocking or graphic content. Additionally they applied a function so that users could skip the ad after five seconds. They noted that the first encounter with the doll in the ad occurred after 12 seconds and that between 7 and 12 seconds the ad introduced cues as to the tone of the ad so they considered that viewers would have had the opportunity to skip the ad at any point if they considered the content to be distressing.

Spotify provided information from YouTube which listed the demographic data of viewers of logged-in viewers of the YouTube channel on which the ad was seen by the complainant. They explained that the data showed that 89% of viewers of the channel were aged 18 or over and that most (73%) were aged between 18 and 44. Only 11% of viewers were aged between 13 and 17. Spotify said that the ad had appeared prior to a video about a video game that was marketed as a stealth and horror game. Spotify

considered that both the channel and the content of the channel were therefore adult content. Whilst they understood that there was some risk of children viewing adult content whilst accompanying an adult, they considered that the option for the adult to close the video after five seconds meant that an additional protection was in place to ensure that child viewers were not unduly distressed by the ad.

YouTube responded that it was the responsibility of advertisers to ensure that their ads were appropriately targeted and in line with the CAP Code.

Assessment

1 & 2. Upheld in part

The ASA considered that although violence was not explicitly shown in the ad, it was implied. The ad contained several scenes that were suggestive of a horror film, including tense music and scenes of characters looking scared or in distress. In two scenes in particular, actors were shown playing the song in bed and in the shower when they were ambushed by the doll. We considered that those scenes would be seen by viewers as reminiscent of famous scenes from horror films.

We first considered whether the ad was likely to cause undue distress to adults who saw it. The ad featured shots reminiscent of a horror film. However, we considered a number of scenes, including the doll nodding its head to the rhythm of the song and the doll's hand pressing the play button on a device that had the Spotify app open, would be seen by viewers as humorous. We considered that although some might find the ad mildly scary, most adult viewers would find the ad overall to be humorous rather than frightening and it was unlikely to cause distress to them.

However, we did consider that the nature of the ad meant it was not suitable to be seen by children because it was likely to be distressing to them. In particular, the ad contained scenes that had tense sound effects and imagery similar to a horror film including the implied threat of violence. The fact the ad was set inside the home, including a bedtime setting, and featured a doll, meant it was particularly likely to cause distress to children who saw it. We did not consider that the context of the ad justified the distress. In addition, the nature of the ad as emulating a horror trailer was deliberately not made clear from the start of the ad and children were likely to be exposed to some of the potentially frightening scenes before they, or parents viewing with them, realised that was the case. We considered the ad therefore should have been appropriately targeted to avoid the risk of children seeing it.

We considered that the ad may have been appropriate to show before content on YouTube that was unlikely to be of particular interest to children. However, when seen by the complainant the ad was juxtaposed against unrelated content for the video game Hello Neighbour. Although the video game was marketed as a “stealth horror game”, it included colourful cartoonish images and was rated by the ESRB as suitable for players aged “10+” and by PEGI as suitable for players aged seven or older. We therefore considered that it was reasonable to expect that content about Hello Neighbour was more likely to appeal to children.

The figures provided by Spotify showed that 11% of viewers of the DanTDM were between the ages of 13 and 17, based on viewer demographics relating to logged-in users. However, the channel made use of cartoonish imagery and included videos of video games popular with children and media including Fortnite and The Incredibles. We noted videos on the channel were presented in an enthusiastic manner by a youthful presenter who had won an award from a children’s television network. Taken altogether, we considered that from the content of the videos and presentational style, the channel would have particular appeal to children. For those reasons we concluded that the ads had appeared before videos that were likely to be of appeal or interest to children.

We concluded that the ad was unlikely to cause distress to adults, but that it was likely to cause undue distress to children. Therefore, because the ad had appeared before videos of appeal to children, we concluded that it had been inappropriately targeted.

The ad breached CAP Code (Edition 12) rules [1.3](#) (Social responsibility) and [4.2](#) (Harm and Offence).

Action

We told Spotify to ensure that future ads did not cause distress to children without justifiable reason, and to ensure ads that were unsuitable for viewing by children were appropriately targeted.

CAP Code (Edition 12)

[1.3](#) [4.2](#)

More on
...