



CASE REPORT

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| 1. Complaint reference number | 551/08 |
| 2. Advertiser | Activision Pty Ltd |
| 3. Product | Toys & Games |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Discrimination or vilification Gender - section 2.1
Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination | Wednesday, 21 January 2009 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement for Activision's Guitar Hero game has two versions. Both versions feature a young woman wearing a man's business shirt, dancing and playing the guitar game to the song "Old time rock'n'roll" and mimics a scene from the popular movie "Risky Business". In one version the woman leaves the shirt on and in the other she is seen taking it off and continuing to play the guitar and dance in her underwear. The voice over tells viewers they can release their inner rock star using guitar hero.

THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

Yahoo!7 Answers Team tell me that they screened the advert was (sic) because it's rated G+. It should be rated M! This is not something that minors should be subject to. Numerous adults I know would also object to seeing such an advert before midnight.

1) Main reason: it completely objectifies the woman in the advertisement, because while she starts out wearing a shirt and underwear, she promptly gets rid of the shirt and so she dances about her living room in only her underwear. She dances provocatively, thrusting out her breasts and generally showing off her body. It's completely inappropriate for any commercial, let alone one advertising a video game.

2) The commercial that I viewed was shown before midnight. I know that 'adult' commercials are relegated to the after-midnight slot.

3) The video game in question is PG-rated in Australia and Teen-rated in the US.

4) This part is more minor, but it's fairly obvious that the underwear she's wearing in the commercial was chosen specifically to attract male viewers to the ad (it's somewhat scant underwear, and it's all black).

5) While looking in YouTube for a link to the commercial, I came across another commercial in the same series (the series is called 'Risky Business'). I'm not sure if the other one will be shown here, but it features Kobe Bryant, Alex Rodriguez, Michael Phelps, and Tony Hawk dancing around to the same song; however, they are much more decently dressed (long shorts on all but one, and long shirts - they do not lose any clothing during the course of the ad). The blatant sexism in the Heidi Klum version is bad enough but to compare it to the other version, it shows absolute hypocrisy as well.

5) No one video game is going to be solely played by either males or females, though publishers can advertise towards a certain demographic all they like; but this is taking it too far.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement

included the following:

This advertisement formed part of a comprehensive global campaign, used in the US, Europe and Australia/ New Zealand. The TVC in question was created and produced in the US and depicts a famous scene from the teen movie, Risky Business, starring Tom Cruise. The brand essence of Guitar Hero World Tour centres around music and having fun in your lounge room by yourself or with your friends. The TVC features Heidi Klum, an internationally renowned and well respected 'super' model, business woman and mother of 3 children, enjoying playing the videogame in the comfort of her home.

There are 2 versions of the ad, both featuring Heidi Klum in a men's business shirt and dancing around to the classic Bob Seger Track, 'Old Time Rock and Roll'. The TVC closely mimics the original Risky Business scene, with Heidi Klum dancing and having fun playing the Guitar Hero World Tour game. The game is all about releasing your inner rock star, which Heidi Klum is demonstrating in the TVC.

Both versions of the ad are attached for your reference:

- *Version 1 - She keeps the shirt on throughout the duration of the ad.*
- *Version 2 – She takes off her shirt midway through the ad and continues to dance in her underwear.*

The second TVC, because of its content, is strictly aired after the watershed, in accordance with CAD ratings and guidance. Although Heidi Klum is seen taking her shirt off, the basic themes, intent and impact are still about having fun and enjoying your inner rock star with the Guitar Hero video game. In fact, this version of the TVC was aired by Channel 9 on the 6pm midweek news, prior to the commencement of our media campaign, after the TVC was picked up online from the US. This was a positive story about how entertaining and fun the ad was and a light hearted end to that evening's news broadcast.

The TVCs were designed to be popular to all audiences, both males and females, and were not intended to offend. Activision Blizzard takes its responsibilities as a category leading publisher of interactive entertainment extremely seriously and takes every effort to comply with all necessary regulations and industry guidance. The content of the TVCs are about having fun and embracing the key attributes of playing live rock music in the context of a hugely popular and socially engaging videogame.

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Board noted the complainants' concerns that the advertisement objectified women and that the character was inappropriately attired for the relevant timezone.

The Board noted there were PG and M rated versions of the advertisement.

The Board considered the application of Section 2.1 of the Code, relating to discrimination and vilification, and Section 2.3 of the Code, relating to sex, sexuality and nudity.

The Board noted that the advertisement is based on a well-known scene from a movie in which the character dances around their living room while home alone. The Board considered the actress in the advertisement is shown to be enjoying herself in replicating the well-known scene, and the depiction fits the context of the product advertised. The Board considered the depiction in each version of the advertisement was not discriminatory towards, or vilifying of, women generally and therefore found no breach of Section 2.1 of the Code.

In regard to the PG version of the advertisement, the Board noted the woman dances around her living room playing a guitar and wearing a business shirt. The Board considered the advertisement treated sexuality with sensitivity to the relevant audience and found no breach of Section 2.3 of the Code.

In regard to the M version of the advertisement, the Board noted the woman strips down to her underwear as she dances around her living room. The Board noted that no nudity was depicted and considered that the treatment of sexuality and nudity was sensitive to the relevant mature audience and

timezone. The Board therefore found no breach of Section 2.3 of the Code.

Finding that the advertisements did not breach the Code on other grounds, the Board dismissed the complaint.