

## Case Report

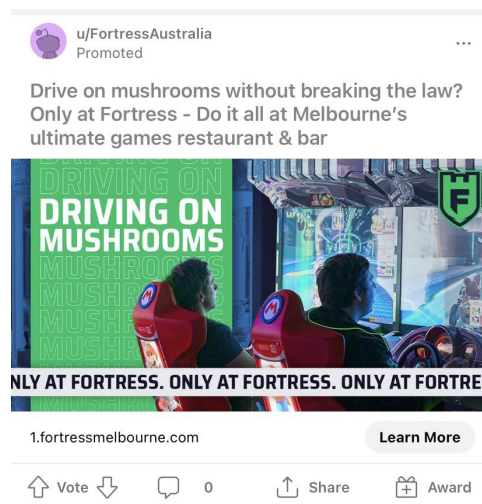
1. Case Number :	0052-23
2. Advertiser :	Fortress Melbourne
3. Product :	Entertainment
4. Type of Advertisement/Media :	Internet - Social - Other
5. Date of Determination	22-Mar-2023
6. DETERMINATION :	Upheld – Modified or Discontinued

### ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

### DESCRIPTION OF ADVERTISEMENT

This Reddit advertisement depicts two men in a game arcade playing a driving game, and the text "Drive on mushrooms without breaking the law? Only at Fortress - Do it all at Melbourne's ultimate games restaurant & bar".



### THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

*Ad encourages taking psychedelic drugs when in venue/hanging out with friends, where the venue allows and encourages minors to attend, and offers them deals. Googling the words "fortress driving on mushrooms" leads to <https://www.shroomery.org/forums/showflat.php/Number/20086172/fpart/all> as the 3rd hit, and customers trying to find the ad and more info about it are lead to websites promoting recreational drug use. 2nd hit on Google images is similar.*

## **THE ADVERTISER'S RESPONSE**

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

*After reviewing the case, it appears that the advertisement in question is for the video game Smash Brothers and is centred around a gameplay mechanic. Additionally, the images in the ad clearly display a Mario arcade machine. It seems that some details may have been overlooked when the complaint was submitted.*

## **THE DETERMINATION**

The Ad Standards Community Panel (Panel) considered whether the advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement encourages the consumption of drug.

The Panel viewed the advertisement and noted the advertiser's response.

### **Section 2.6: Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.**

The Panel noted that the reference to mushrooms relates to the video game MarioKart, in which players control, ie drive, a vehicle as part of a race. During the race there is opportunity to collect bonuses to help players win. If a player collects a mushroom as a bonus, their speed can be increased temporarily.

The Panel noted that the caption of the advertisement does not mention the video game, and although the seats depicted in the image do have the 'M' Mario logo, this is not prominent, particularly when viewed on a mobile device.

The Panel considered that many viewers may get the impression that the advertisement is promoting the use of hallucinogenic drugs when driving, or when playing games at the venue. The Panel considered that while there is an alternative explanation in the reference to Mario, this reference is not prominent or obvious and even viewers familiar with the game may not notice the small M on the seats in the image.

The Panel considered that the advertisement contains a clear suggestion of recreational drug use.

### **Section 2.6 conclusion**

The Panel considered that the advertisement did contain material contrary to Prevailing Community Standards on health and safety and determined that it did breach Section 2.6 of the Code.

### **Conclusion**

Finding that the advertisement did breach Section 2.6 of the Code, the Panel upheld the complaint.

### **THE ADVERTISER'S RESPONSE TO DETERMINATION**

[We] confirm that all ads relating to this complaint have been removed. The specified ads will not run again and we were very surprised to hear it is in breach.