



Case Report

1	Case Number	0100/12
2	Advertiser	THQ Asia Pacific Pty Ltd
3	Product	Entertainment
4	Type of Advertisement / media	Transport
5	Date of Determination	28/03/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.3 - Violence Graphic Depictions
- 2.3 - Violence Violence

DESCRIPTION OF THE ADVERTISEMENT

A poster advertising the release of the videogame, UFC Undisputed 3, that was placed on bus and tram panels. The image is of a man kicking another man in the face and the text reads, "UFC 3... Your move."

THE COMPLAINT

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

I'm not easily offended and I think that adults should enjoy whatever they like but the advertisement on the bus is a very violent image. As I say I can't find the matching image online so why do they have a different image on the bus? Same fighters, different angle. At home I can control what my children see or hear however this is in full public view and without my control as it is plastered all over the side of buses. The depiction is graphically violent and given a recent murder case in the Adelaide Supreme court this does appear to be very insensitive.

I don't wish for my child or any other parent's children to think that this is acceptable. What would be the outcome if the depiction was of a man kicking an animal?

THE ADVERTISER'S RESPONSE

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

We are writing in response to the recent complaint made against our advertising of the UFC Game on the side of a Sydney bus (reference number: 0100/12).

May I firstly say that on behalf of THQ and our media/creative agency, Frontier Advertising, we deeply apologise for any offence caused by the placement of this advertisement, as this was not the intention of the creative.

The creative displayed is fully representative of the UFC Undisputed 3 video game, which has been approved for Australian audiences.

THQ decided to use the alternate artwork than the packaging for outdoor advertising to create a cohesive campaign that aligned with other advertising materials. The TV spot that was created for the campaign illustrates the exact same artwork in CG animation and we wanted to create outdoor advertising that delivered the same impact of the TV advert with print creative.

The following should also be noted:

- The images are not artistically composed; it is a live still of a past UFC fight that features our cover athlete. It is also one of the more iconic moments in recent UFC history*
- It is not uncommon for video game publishers to use an alternate piece of artwork for outdoor and print creative than the packaging.*
- The agency who created the artwork was PETROL Advertising Inc, 443 N.Varney Street, Burbank California, USA. They used archived UFC photography and treated it in post-production. This creative was localised (with AU packshots and age rating classifications) by Frontier Advertising.*

Further to this, it is also an accurate representation of the actual UFC sport itself. Given the contact nature of the sport, the advertisement simply aimed to display the game/sport as correctly and honestly as possible.

This same advertisement has also run in the US and UK outdoor environments and was approved locally here by APN's legal teams.

On a final note, the outdoor creative is due to end Februarys 25th and will have run its course in full as of that date.

Once again our apologies for any offence caused.

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 is graphic and not appropriate for a outdoor advertising.

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

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 of the Code states: “Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised”.

The Board noted that the advertisement is a promotion for the computer game, UFC Undisputed 3, and features the image of a man kicking another man in the face.

The Board noted the practice note for Section 2.3 which states: “Depiction of violence to promote a violent game may be acceptable provided it is relevant to the product advertised.”

The Board noted the advertiser’s response that the image is taken from a live still of a previous UFC fight and considered that the image was relevant to the product being advertised.

The Board noted that the advertisement is in keeping with promotional advertisements for similar computer games. The Board considered that as the fighters in the advertisement are dressed like professional fighters most members of the community would consider that the portrayal of violence in this instance is relevant to the product advertised and is not inappropriate for outdoor advertising.

The Board determined that the advertisement did not breach Section 2.3 of the Code.

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