



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0117/19
2	Advertiser	Ubisoft P/L
3	Product	Toys and Games
4	Type of Advertisement / media	Transport
5	Date of Determination	08/05/2019
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Violence Violence

DESCRIPTION OF THE ADVERTISEMENT

This transport advertisement is for the video game titled Tom Clancy's The Division 2. It depicts three characters in a street of Washington D.C., in front of Capitol Hill Building, with abandoned vehicles in the mid ground. There is smoke coming from the building.

All characters face away from the viewer. The main character in the middle is holding a weapon to the floor and is shooting a flare into the sky which is illuminating above, the two side characters are holding weapons to the side. No weapons are pointed to the viewer.

The advertisement also contains the product release date (15 March), a retail Xbox One packshot and Microsoft Features logos and disclaimer, company logos and the game logo, as well as the classification rating (MA15+) as well as the Xbox One logo at the bottom.

THE COMPLAINT

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



I complained about this advertisement on Monday, March 18 to the Minister for Justice and Attorney-General of Queensland, the hon. Yvette D'Ath, on the grounds that public transit is not an appropriate venue for advertising violent video games, in particular following the terrorist attack in New Zealand which was live streamed on Facebook and subsequently seen by many on social media and the internet and in mass media clips. Its similarity to content developed for such games was noted in ABC's Media Watch. The release date displayed on the ad memorialises the date of the attacks.

Tom Clancy's The Division 2 is rated MA15+ restricted for strong themes and violence, and would seem to be a poor choice for advertising on vital transportation infrastructure. (Since the G20 meeting was held in Brisbane in 2014, no bins are allowed on the platform as they may present a security risk.) The imagery in this advertisement presents extreme violence as entertainment closely following a cruel terrorist attack seen around the world, has the potential to cause distress and fear in child viewers or terror attack survivors, and is impossible to avoid while commuting. The response to my complaint to the Minister's office was as follows: "In the first instance, it would be best to make your complaint to <https://adstandards.com.au/>. Should you be unsatisfied with the response, you may again write to our office. The figures are realistic and highly detailed; the scene is urban; one of the figures is shown firing a weapon into a car window. It is scary and disturbing.

Submitted with thanks,

THE ADVERTISER'S RESPONSE

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

The advertisement under complaint is a portrait colour panel for the video game titled Tom Clancy's The Division 2, where players play as characters in a fictional version of Washington D.C. on the brink of collapse. You play as an agent helping to save the city.

This advertisement is part of a wider outdoor advertising campaign with vendors JC Decaux, oOH!, Moove and APN, placed across a variety of inventory nationally. This particular advertisement was part of our oOH! Rail and likely APN Portrait sides in Brisbane, as the complaint also mentions bus sides. This ran from February 17th until March 24th 2019. These sites were selected based on available inventory and not individually selected.



As stated above, depicts three fictional characters in an abandoned street of Washington D.C., in front of Capitol Hill Building, with abandoned vehicles in the mid ground. There is smoke coming from the building. In Tom Clancy's The Division 2, you can play in teams of up to four players. The three characters represent your team. As this game depicts a world where Washington D.C. has collapsed and you are on a mission to save the city fighting factions (our antagonists), there is a military undertone to this game. This is why characters are depicted holding weapons, flares, backpacks and protective gear.

The intention of the advertisement is to convey the game's key features:

- *Cooperative play – meaning players can play with teams online, which is why there are multiple characters shown*
- *Set in Washington D.C. – the location is very clear with use of the iconic Capitol Hill building, indicating to players this is the scope of the gameplay map, which you can move freely through with your team members*
- *Action Adventure Mature Game – indicted by the MA15+ rating and use of weapons in the creative*

The creative was selected because it highlights the location of the game very well (it's highly specific to Washington D.C., players cannot leave this city).

As you will be aware, the Outdoor industry is a self-regulating body overseen by the Outdoor Media Association (OMA). oOH! and APN, as well as all other Outdoor vendors follow their guidelines on what's considered acceptable on their formats. In relation to the creative in question, oOH! and APN reviewed the creative and assessed it against clause 2.3 of the AANA Code of Ethics (attached), "2.3 Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised". With respect to this, the creative was deemed to not breach this clause.

In respect to violence specifically, while the creative does feature weapons, none of these are pointed at the viewer of the ad, lessening the impact. The creative does not show any blood, violence, or other adult content. The image shows no suggestion of menace present and therefore we believe it complies with the guidelines.

Additionally, the creative does not feature any:

- *Discrimination or vilification*
- *Exploitative and degrading content*
- *Violence*
- *Sex, sexuality and nudity*
- *Adult Language*
- *Health and Safety concerns.*

Lastly, Computer and Video Games are classified by the Australian Classification



Board, an official Australian Government agency. Tom Clancy's The Division 2 has been classified MA15+ and is intended for audiences of 15 years of age and over.

THE DETERMINATION

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

The Panel noted the complainant's concern that the advertisement was violent.

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

The Panel noted that this transport advertisement was promoting the game 'Tom Clancy's The Division 2' on Xbox One. The advertisement featured a computer generated image of three people with weapons in front of the Capitol building in Washington D.C.. The person on the left is holding a large weapon pointed off the edge of the image, the person in the middle is firing a flare gun into the air and the person on the right is pointing a weapon into a car. The Capitol building is on fire.

The Panel considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 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 Panel noted the complainant's concern that the imagery in the advertisement presents extreme violence that in the wake of the Auckland terrorist attack has the potential to cause fear in young viewers and terror attack survivors.

The Panel acknowledged that there is a heightened sensitivity in the community to violent attacks, however considered that the advertiser could not have known the terror attack in New Zealand was going to happen when producing the images and placing the media.

Further, the Panel considered that although a well-known building is used in the advertisement the overall impression of the advertisement is not of a terror attack but of a war zone or post-apocalyptic scenario.

The Panel considered that there is no blood or gore in the advertisement and no depiction of violence and that the violent themes in the advertisement are mostly suggested through the inclusion of weapons and smoke.

The Panel considered that the inclusion of weapons and smoke was justifiable in the context of advertising a violent game.



In the Panel's view there was no violence portrayed in the advertisement, and that the suggestion of violence was justifiable in the context of the product advertised and did not breach Section 2.3 of the Code.

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

