



Case Report

1	Case Number	0166/16
2	Advertiser	Machine Zone
3	Product	Toys and Games
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	27/04/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Violence Violence

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement, promoting a mobile app game entitled, Mobile Strike, features Arnold Schwarzenegger engaging in battle with other players using mobile devices. The on-screen disclaimer reads, "In-app purchases optional. Seek bill payer's permission. Not in-game footage".

THE COMPLAINT

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

With the increase in terrorism around the world & how mobile phones are used as detonating devices the violence in this ad is highly inappropriate at this time of night when children are watching

THE ADVERTISER'S RESPONSE

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

Based on the complaint we received, below looks like the only spots that could be it, however there was no market detailed in the complaint.

- *Market: SYD*

- *Channel: SBS*
- *Programme: Worldwatch (AKA France 24 English News)*
- *Duration: 30”*

As indicated above, the spot seemed to have run during the News so not a Children specific program.

Over and above abiding with the “J” classification, we also ensure we are only aligned with age appropriate programming.

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 complainant’s concerns that the advertisement features violence which is not appropriate for children to view, and not appropriate given current concerns around terrorism.

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 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 this television advertisement features Arnold Schwarzenegger walking through deserted streets whilst a battle is being fought: we can see explosions and bullets being fired.

The Board noted it had previously considered a similar complaint in case 0475/15 where:

“The Board noted that this television advertisement features footage of the computer game, “Fallout 4” which includes a man walking through deserted streets holding a machine gun which he uses to fire at giant cockroaches and armed mutants.

The Board noted that the game has a post-apocalyptic theme and considered that the footage of the man roaming the deserted streets and protecting himself with a weapon is consistent with this theme. The Board noted the soundtrack of the advertisement and expressed concern that the use of laid-back music to accompany scenes of violence could imply that shooting to kill is acceptable. Following considerable discussion however the Board noted that the post-apocalyptic theme is not realistic and the creatures the man fires at are not human. The Board noted that recent global events have made the community more sensitive to violent actions

but considered that in this instance the visuals of the advertisement are clearly in the context of gaming footage and in a fantasy situation.”

The Board noted the current advertisement features what appears to be footage from an online game but is described in the disclaimer as not being in-game footage. The Board noted that we do see a male character holding a mobile phone with an image of a gun on it and using the phone as if it is an actual gun. The Board noted that at the end of the advertisement Arnold says, “Mobile Strike. Download and play now. Free from the App store” and we see an image of a mobile and a tablet both with footage from the game on their screen and considered that the graphics and voiceover make it clear that the material shown is reflective of playing a game.

The Board noted the advertiser’s response that the advertisement was rated ‘J’ by CAD which means it can be aired at any time of the day except during Preschool and Children’s (P&C) programs or adjacent to P or C periods and that care should be taken when placed in programs principally directed to children. The Board noted the complainant’s concern that the advertisement is not suitable for children. The Board noted the complainant had viewed the advertisement at 6.20pm on SBS and the advertiser had responded to say that this is a News timeslot. The Board noted that whilst news programs are not directed at children many children will be exposed to these programs, either as background noise or as a source of information. The Board considered however that the level of violence in the advertisement is relatively mild for the type of product advertised and there is no graphic imagery likely to cause alarm or distress to children or to adults.

The Board acknowledged that recent global events have made the community more sensitive to violent actions but considered that in this instance, consistent with its previous determination in case 0475/15, the visuals of the advertisement are clearly in the context of gaming footage and in a fantasy situation and there is no suggestion that the content of the advert should or could be replicated in real life.

Overall the Board considered that the advertisement did present or portray violence in a manner which is justifiable in the context of the product or service advertised.

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.