



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0175/15</b>
<b>2</b>	<b>Advertiser</b>	<b>Warner Home Entertainment</b>
<b>3</b>	<b>Product</b>	<b>Toys and Games</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Outdoor</b>
<b>5</b>	<b>Date of Determination</b>	<b>13/05/2015</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.3 - Violence Causes alarm and distress

## DESCRIPTION OF THE ADVERTISEMENT

The outdoor advertisement is promoting a new videogame called Mortal Kombat and features an image of the main character from the game. A hood covers his head and a mask covers most of his face except his eyes which are pure white. The text reads, "Mortal Kombat X. 15.04.2015. PS4".

## THE COMPLAINT

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

*I was distressed by the image, and I don't want my children to have to be frightened just walking down a footpath or waiting at a station.*

## THE ADVERTISER'S RESPONSE

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

*Adshel Response*

*We have actually received to date 2 complaints for this campaign from a resident and a lease partner, which have all been resolved to date.*

*This creative was sent to the OMA for review, the content of the creative was looked to not breach the AANA code of ethics as the violence is not explicitly depicted and as there is direct relevance to the product.*

*When a complaint comes in from the ASB unless it is address directly to Adshel, we can provide text around the facts that we have on hand to the agency, Adshel would not supply reports as this is to be done by the Official party whom has received the ASB letter. Adshel gained OMA advice/approval on the understanding that we could receive complaints same as what we did with 50 Shades of Grey when people knew the content of the book/movies, yet the creative was in its self NOT breaching any code of ethics.*

*Warner Bros response*

*In partnership with Vizeum Australia and Adshel, Warner Bros sent through creative for OMA review based on the product being advertised which is an R18+ rated video game. Given that the static advertisement in question does not depict violence and is directly relevant to the product we believed that Section 2 (2.3) of the AANA Code of Ethics was not breached by this advertisement.*

*Further to our OMA review, as the static advertisement was for an R18+ rated games title, no placements were made within 100m of a school or church.*

*The entire campaign was concluded by April 26th and no advertising material remains in market.*

## **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 a frightening image that could alarm children.

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 this advertisement is promoting a new videogame called Mortal Kombat and features an image of the main character from the game. A hood covers his head and a mask covers most of his face except his eyes which are pure white. The text reads, "Mortal Kombat X. 15.04.2015. PS4.

The Board noted that this advertisement was seen on outdoor advertising and therefore could be viewed by children. The Board noted that the image was highly stylised and relevant to the recognised PS4 game it is advertising.

The Board considered the image would not be considered as menacing by most members of the community. The Board considered that the image is in keeping with a typical movie/electronic game style promotion and determined that the image is relevant to the advertised product and not so strong as to be inappropriate for general viewing.

The Board noted it had previously dismissed similar complaints in cases 0444/11 and

0457/11 where images of menacing looking characters were used with the addition of weapons and/or blood included in the images. The Board found in those cases that the level of violence was justifiable in the context of the product being advertised.

Similar to the determinations above, the Board considered that in this case, the level of violence by way of a menacing character was justifiable in the context of the game being advertised and 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.