



**Ad Standards** Community Panel  
PO Box 5110, Braddon ACT 2612  
P (02) 6173 1500 | F (02) 6262 9833

**AdStandards.com.au**

Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

1	<b>Case Number</b>	<b>0195/18</b>
2	<b>Advertiser</b>	<b>Microsoft Pty Ltd</b>
3	<b>Product</b>	<b>Entertainment</b>
4	<b>Type of Advertisement / media</b>	<b>Transport</b>
5	<b>Date of Determination</b>	<b>24/04/2018</b>
6	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.3 - Violence Violence

## DESCRIPTION OF THE ADVERTISEMENT

This transport advertisement features the writing 'Sunset Overdrive 30.10.14' and is a cartoon depiction of a video game. The advertisement features two adult male characters. One is a hooded character that is shooting what appears to be an electrical beam at the other. The other character has a Mohawk, is mid jump, and is looking straight ahead holding a large, multi-barrelled colourful gun. Behind the two main characters are pictures of other characters, including mutant monster-like creatures.

## THE COMPLAINT

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

*Violent for a school bus! Proof that violent video games leads to unempathetic behavior in children.*

## THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this





advertisement include the following:

*We refer to the complaint made in connection with the Sunset Overdrive Advertisement (Advertisement) and thank you for the opportunity to provide a response.*

*We are committed to conducting all advertising and promotions to the highest standards and we take seriously any complaints made in relation to any such advertising and promotion. We regret that the complainant was offended by the Advertisement and we hope that this response will also assist them in understanding our intentions behind the creation and promotion of the Advertisement. Having considered the Advertisement, the complaint, and the requirements of the AANA Code of Ethics (Code), we respectfully submit that the Advertisement does not in any way contravene the Code.*

*The Advertisement in question is for Sunset Overdrive (the Game), a fantasy and post-apocalyptic genre video game created for the Xbox One gaming console. The game is set in 2027 in Sunset City, where a contaminated energy drink has transformed most of the population into a multitude of toxic mutants. The player of the game is required to embark on an epic campaign to work to unite a diverse group of survivor factions in the quest to save Sunset City.*

*The Game has received a "MA 15+" classification from the Australian Government Classification Board for "mild coarse language" and "online interactivity". The original Advertisement was produced overseas and subsequently localised for an Australian market.*

*We submit, having regard to Section 2 of the Code that:*

*2.1 The Advertisement does not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief, and accordingly, the Advertisement does not contravene Section 2.1 of the Code;*

*2.2 The Advertisement does not employ sexual appeal in any way and therefore does not contravene Section 2.2 of the Code;*

*2.3 Although the Advertisement depicts some imagery which may be considered violent, we assert that the imagery is justifiable in the context of the product being sold. The Advertisement only depicts cartoon scenes that show unrealistic, stylised videogame-play. The Advertisement was created to embody the eccentric, cartoonish and fantasy aspect of the Game by displaying the main characters interacting with each other in the context of the post apocalyptic fantasy world, with mutant monsters in the background. The Game and Advertisement offer players access to a make-*



*believe scenario in which they can perform gameplay actions and go on imaginary adventures to defeat enemies in the game.*

*The Advertisement only shows a computer generated, cartoon image from the game, and does not use any image from "real life". This case is similar to others considered by the ASB, including case number 0248/16. In that case, the Board noted that the television advertisement featured images taken from a video game, including an armoured man and monsters fighting and shooting at one another. The Board noted that the game had "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, and that "visuals of the advertisement are clearly in the context of gaming footage and in a fantasy situation".*

*We assert that the Advertisement is presented in the context of the product advertised, being a stylized, cartoon fantasy video game and therefore does not contravene Section 2.3 of the Code.*

*2.4 The Advertisement does not depict sex, sexuality or nudity in anyway and therefore does not contravene Section 2.4 of the Code;*

*2.5 The Advertisement does not feature strong or obscene language or language which is inappropriate for the relevant audience and medium, and accordingly, the Advertisement does not contravene Section 2.5 of the Code;*

*2.6 We do not consider that the Advertisement depicts any material which is contrary to Prevailing Community Standards on health and safety, including any unsafe practices or images. We assert that the community would understand that the Advertisement demonstrates cartoon scenes from the Game as opposed to scenes from "real life." We consider is very unlikely this ad could reasonably cause undue alarm or distress to members of the community. The community would be able to distinguish this stylized Advertisement which is promoting a fantasy video game from gun Advertisements, or any real life product or real experience. We note that this is the first complaint we have received about this Advertisement since the Game was initially advertised in 2014.*

*We therefore conclude that the Advertisement does not contravene Section 2.6 of the Code.*

*2.7 The Advertisement is clearly presented as an advertisement, and we conclude that the Advertisement is clearly distinguishable as advertising and therefore does not contravene section 2.7 of the Code.*

*Further, the theme, visual imagery and language used are all intended to appeal to an adult audience, and therefore the Advertisement is not directed "primarily" or even incidentally to children. The Game in question is also not "targeted toward" children nor does it have a "principal appeal" to children. The two main characters displayed*



*are adult cartoon characters. The Game itself is rated MA 15+ by the Australian Government Classification Board and as such, the Game is restricted to persons 15 years and over. We note that children under the AANA Code for Advertising & Marketing Communications to Children the definition of "children" is persons 14 years old or younger. As a result, we submit that the AANA Code for Advertising & Marketing Communications to Children does not apply to the Advertisement, and we therefore make no further comment in that regard.*

*We note that clauses 3.2 and 3.3 of the Code do not apply to the Advertisement.*

*On the basis of the above, we do not consider that the Advertisement contravenes the Code, having regard to Section 2 and 3.1 of the Code or otherwise. We also note that Microsoft has not actively advertised the Game since 2014. The Advertisement itself should not still be in circulation for that reason. Because of this, we are currently arranging to have the Advertisement removed from the bus in question, and it was as oversight that it was not removed earlier.*

## **THE DETERMINATION**

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

The Panel noted the complainant's concern that the advertisement features violence which is inappropriate for the side of a bus.

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

The Panel noted that this advertisement is for a 2014 video game titled Sunset Overdrive and is located on the side of a bus. The advertisement features two adult male characters. One is a hooded character that is shooting what appears to be an electrical beam at the other. The other character has a Mohawk, is mid jump, and is looking straight ahead holding a large, multi-barrelled colourful gun.

The Panel considered whether the advertisement breached 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 advertisement contained a scene of violence and weapons.

The Panel considered the advertiser's response that the advertisement was for a game released in 2014, that the advertiser had not actively advertised the game since then, and that the advertisement should not have still been in circulation. The Panel



noted the advertiser's response that they have requested that the advertisement be removed immediately.

The minority of the Panel considered that the imagery of the advertisement was too graphic for the side of a school bus. The minority considered that the advertisement is particularly large and the size of the weapons in the advertisement makes it particularly graphic. The minority noted that the advertisement's mobility indicates it would be seen by a large section of the community, including children.

The majority of the Panel considered that the advertisement features cartoon-like characters, is very stylised and is consistent with a video game aesthetic. The majority noted that the advertisement does not feature any blood or gore, and although a weapon is being fired it is not making contact with the other character. The majority considered that the level of violence shown in the advertisement is mild and relevant to the product.

In the Panel's view the violence portrayed in the advertisement 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.

