



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0221/15</b>
<b>2</b>	<b>Advertiser</b>	<b>Machine Zone</b>
<b>3</b>	<b>Product</b>	<b>Toys and Games</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Pay</b>
<b>5</b>	<b>Date of Determination</b>	<b>10/06/2015</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.2 - Objectification Exploitative and degrading - women
- 2.4 - Sex/sexuality/nudity S/S/N - general

## DESCRIPTION OF THE ADVERTISEMENT

This television advertisement is promoting the App 'Game of War'. It features a female character, played by Kate Upton, providing guidance to a group of men on how they can succeed in the game and we see footage of the game being played.

## THE COMPLAINT

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

*I object because of the obvious and indiscreet use of large breasts being used to market a computer game. It is in very poor taste and vulgar. My children watch Fox8 on Foxtel & play Words With Friends App. On both modes, this advert is played continuously. It is offensive, vulgar and innapropriate for general viewing. It is also unrealistic. They are trying to portray the game that it is about a big breasted woman, but it isnt. It is a blatant use of female sexualised explotation to market their game, which makes it innapropriate. Thank you.*

## THE ADVERTISER'S RESPONSE

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

*We were very surprised to receive this note as we did not in any way anticipate that the creative would offend and while this is a global ad, from our local perspective, we do not believe the ad in anyway exploits women. In fact quite the reverse, the ad portrays a woman in a position of power and authority.*

*In brief summary, the :30 "Empire" TV advertisement features the game's guiding character, the Greek Goddess Athena, giving sage advice on how to succeed in Game of War. As is traditional in Greek mythology, Athena is the Goddess of wisdom, courage, inspiration and War Strategy. In this spot, Athena delivers her lesson to 11 leaders of 11 kingdoms through an animated re-enactment of an empire being built, attacked and protected over a thirty second timeframe. Her voiceover in the ad follows that story arch and can be reviewed as such in the attached as-produced script.*

*It's important to note that our main character, Athena, portrayed by Ms. Kate Upton in the ads, is our Greek Goddess Athena. Her role is that of a strategic partner and guide for Game of War players. This portrayal of a sage is directly aligned with how this character has been portrayed throughout history. Please see the link for reference.<http://www.greek-mythology-pantheon.com/athena-minerva-greek-goddess-of-wisdom-and-war/>*

*This campaign has been running since late March 2015 in Australia without complaint and this same campaign has been running across 16 different countries including the UK, USA, Canada, Ireland – again without complaint. The ad has a PG rating and while this does mean that the ad is not restricted on STV in the same way it is on FTA TV, there are parental controls on Foxtel that can be activated.*

*I fully appreciate that the ASB needs to investigate every complaint made, but in our opinion this does seem to be a very isolated complaint.*

## **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 woman with large breasts and that her inclusion in the advertisement is sexist, exploitative and inappropriate.

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

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray 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.'

The Board noted this television advertisement features footage from an App game called, “Game of War” and that a female character guides us through how to succeed when playing the game.

The Board noted the advertiser's response that the woman featured in the advertisement, Kate Upton, is playing the role of the game's guiding character, Athena.

The Board noted the complainant's concern regarding the use of a woman in a low-cut dress accentuating her large cleavage to promote a computer game product. The Board considered that the advertisement is presenting an accurate reflection of the content of the game. The Board noted that the character 'Athena' is depicted as a guiding character and considered that she is the main focus of the advertisement and as such she is presented as powerful and in control.

The Board acknowledged that some members of the community would prefer that women were not used in a manner which utilises their gender to promote a product but considered in this instance the woman is representing the main character of the game and her inclusion in the advertisement does not discriminate against or vilify a person or section of the community on account of gender.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: "Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people."

The Board noted that in order to be in breach this section of the Code the image would need to use sexual appeal in a manner that is both exploitative and degrading.

The Board noted the complainant's concern that the advertisement focuses on the woman's breasts.

The Board noted it had previously dismissed a complaint about a similar portrayal of a woman wearing a low-cut dress in case 0151/14 where:

"The Board noted that the dress is very low cut and that the woman was facing directly into the camera for the duration of the advertisement. The Board considered that it is not inappropriate for an advertiser to use an attractive woman in order to promote their product or service and agreed that the woman is portrayed as intelligent and confident."

In the current advertisement the Board noted the relevance of the woman, and the character she is representing, to the product advertised and considered that she is presented as intelligent and confident and that whilst her dress does enhance her cleavage she is not being presented in a manner which is exploitative and degrading.

The Board considered that the advertisement did not employ sexual appeal in a manner which is exploitative and degrading.

The Board determined that the advertisement did not breach Section 2.2 of the Code.

The Board then considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience".

The Board noted that the style of dress the woman in the advertisement is wearing is low-cut and enhances her cleavage but considered that her breasts are covered appropriately by her character-relevant attire. The Board noted that the woman is depicted as being in a position of power and considered that her behaviour is not sexualised or inappropriate.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and did not breach Section 2.4 of the Code.

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

