



Case Report

1	Case Number	0239/13
2	Advertiser	Sony Computer Entertainment Aust Pty Ltd
3	Product	Toys and Games
4	Type of Advertisement / media	TV
5	Date of Determination	24/07/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Violence Graphic Depictions

DESCRIPTION OF THE ADVERTISEMENT

The television commercial (“TVC”) for the ‘The Last of Us’ features footage from selected moments within the game, and provides a brief introduction to the main characters and post-apocalyptic setting following a fungal outbreak that has decimated the majority of the US population. The survivors featured in the TVC must fight for survival within this new society, where all forms of government or law and order have broken-down.

The majority of the footage of the TVC features either landscape shots of the environments, or close-up shots of the characters. While the footage features weapons, there is no actual violence depicted on-screen. Consumer advice (high impact violence) is provided on screen. The TVC includes media accolades from two industry organisations.

THE COMPLAINT

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

I feel that this advertisement for an R18 High Violence game is too graphic and suggestive for advertising on TV. It depicts several scenes of violence and horror that would still be seen by teenage people even though it is being shown after 9:30pm.

I don't believe that these games should be advertised on TV in general.

THE ADVERTISER'S RESPONSE

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

I refer to Section 2.3 of the AANA Code of Ethics which says that Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

The product advertised in the TVC is a videogame that has been classified as being suitable for audiences aged 18 years or over, in accordance with the Australian Classification Scheme. Any footage from the game included in the TVC has been carefully selected to ensure that, whilst an accurate representation is provided to the consumer, no actual violence is depicted. Any violence, however, that may be implied is justifiable within the context of the product being advertised.

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 complainants’ concerns that the advertisement depicts a scene that is graphic and disrespectful to animal life and inappropriate for viewing by 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 of the Code 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 the advertisement is promoting the computer game called “the last of us.” A young woman’s voice talks about the journey she will be taking and the moral dilemma that may confront her. The images include scenes from the game and there are visuals of action scenes that show aggressive confrontation between characters within the game.

The Board noted that the advertisement is presented in the context of a computer game and considered that most members of the community would recognise that a certain level of violence would be present in an advertisement for a game of this nature.

The Board considered that the footage from the game that had been included in the advertisement did not show the end result of a violent act but depicted scenes of implied violence.

The Board considered that the violence portrayed is justifiable within the context of the product being advertised and that most members of the community would expect a certain level of violence present in an advertisement for a game of this nature.

The Board noted that the game itself has been classified as being suitable for audiences aged 18 years or over, in accordance with the Australian Classification Scheme. The Board noted the “R” rating given by CAD and noted that the advertisement had been aired in the appropriate time slot for the rating.

The Board considered that the advertisement did not present or portray violence in a manner that is unjustifiable in the context of the product being sold and determined that it 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.