



## Case Report

1	Case Number	0246/14
2	Advertiser	Big W
3	Product	Entertainment
4	Type of Advertisement / media	Print
5	Date of Determination	23/07/2014
6	DETERMINATION	Dismissed

### ISSUES RAISED

2.3 - Violence Violence

2.6 - Health and Safety Within prevailing Community Standards

### DESCRIPTION OF THE ADVERTISEMENT

Big W catalogue features a notice on the front cover that says "hands off Mum! Kids open first" Inside pages include various games on sale with a mix of ratings from G to R18+

### THE COMPLAINT

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

*A toy catalogue is not the place to be advertising r-rated materials. The toy catalogue is targeted at children and it is inappropriate to put r-rated products in the catalogue.*

*Advertising adult content video games, rated MA15+ and R, on the same page as G and PG video games. Picture shows teenagers playing video games. Catalogue front page tells kids to 'read first before mum gets it' - blatantly advertising inappropriate games towards children, to get them to ask their parents to buy them.*

*This is a catalogue targeting children. The tagline suggests that children should read the catalogue before their parents. I have spoken to Big W on the phone and management confirmed this is a catalogue targeting children and selling children's items only. BUT on pages 128-129, in the video games section, are a range of R+ adults only video games. These games are displayed directly next to the G rated games. The games in question (Grand Theft Auto V, Wolfenstein, etc) contain violent, sexually explicit and restricted images.*

*I believe this is a gross breach of moral and legal responsibilities on behalf of Big W. These games are NOT toys, are illegal to sell to children and contain potentially damaging material to young minds.*

*I have attempted to contact Big W to discuss this. Once the nature of my complaint was made clear, no one would return my calls. I have posted on their Facebook page but have been met with abuse and hate mail by people who like Big W and don't think it is an issue that these games are being targeted to children.*

## **THE ADVERTISER'S RESPONSE**

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

*In relation to the issue you describe in your correspondence, BIG W has previously been made aware of this customer's complaint regarding the same matter by virtue of our internal customer complaint processes and has been actively liaising with the customer.*

*BIG W does not consider the catalogue promotion to be in breach of the Code due to the following reasons:*

- it is commonplace for restricted product sales to be included in a catalogue of this nature - both the history of similar promotions and competitor activity informs us that customers expect these products to be offered in catalogue;*
- required information pertaining to the classification of gaming titles is prominently included;*
- whilst the Total Toy Domination does have a range of children's products, there are a considerable number of products which cater for adults (pool tables, games consoles, iPads, iPhones etc) and the inclusion of the full range of gaming titles forms a part of the product offering;*
- the portion of the catalogue which contains these products (page 128) is significantly removed from the portion largely focussed on children's toys and activities (pages 1-97 approx);*
- we have legally required practices in place in our stores to ensure that children cannot purchase age restricted games;*
- the catalogue does not target these products toward children by virtue of increased prominence or any other advertising technique and further, these products do not hold principal appeal to children in relation to other titles also on promotion;*
- there are no violent or explicit images on the covers of the games being presented for sale*

*Aside from the initial contact from this customer and those few who have been rallied to her view via Facebook, BIG W has only received one other customer enquiry related to this matter. Given the level of circulation this catalogue receives, BIG W contends that if it were a*

*prevailing societal view that this conduct was problematic with regard to current ethical standards, significantly more complaints would have been received. Indeed, there have been many more comments received on social media which refute this customer's view.*

*BIG W appreciates your careful consideration of the complaint and our position outlined above. We trust that given further context you will accept our submission that this complaint should be dismissed.*

## **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 images for video games that are rated MA15+ along side G rated material which is not suitable for viewing by children.

The Board reviewed 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 print advertisement features images of the front covers of games for PS3 and Xbox that are rated MA15+ and R18+ alongside games that are G rated. The front cover of the catalogue includes a banner that reads: "Hands off Mum! Kids open first."

The Board noted the complainant's concerns that the advertisement is promoting inappropriate games toward children.

The Board noted that the children on the cover of the catalogue are portrayed as being evil villains or agents and the sale is promoting a toy sale and refers to "total Toy domination."

The Board considered that the use of the "hands off Mum" banner was to add effect to the children's characters on the cover. The Board considered that the use of the banner would not undermine the authority of parents and does not mean that the catalogue is targeted to children.

The Board noted that it had previously dismissed a print advertisement for Woolworths (ref: 0435/11).

In this instance the Board noted that: "The Board noted that the images on the DVD covers are relevant to the product advertised, i.e. horror movies. The Board considered that it is reasonable to expect a DVD retailer to show images of the DVDs they sell in their promotional literature."

Consistent with the decision above, the Board noted that the product being advertised is game consoles and games that are available for purchase and it is reasonable to expect the retailer to show varied types of games that can be purchased. The Board noted that the images were of a full range of games of different classifications and that the images themselves are small

and not graphic images and that there is no problem with depicting the games available. The Board considered that as the images were actual game covers the advertisement did not depict violence that was unjustified in the context of the product being advertised and not inappropriate for the rating given and did not breach section 2.3 of the Code.

The Board considered Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

Based on the reasons outlined above, the Board considered that the promotion of game products that have varied classifications together on one page is commonly seen within retail catalogues, and the depiction of game covers that have images that are scary is not of itself a depiction that is contrary to prevailing community standards on health and safety and did not breach section 2.6 of the Code.

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