



Case Report

1	Case Number	0248/16
2	Advertiser	Bethesda
3	Product	Toys and Games
4	Type of Advertisement / media	TV - Pay
5	Date of Determination	08/06/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Violence Violence

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features images taken from the video game DOOM for Playstation 4, Xbox one and PC systems. We see an armoured man shooting a gun and then grabbing a large monster and throwing it to the ground. We then see other monsters shooting at the man, a skeleton in a suit which fires out fire at the man. The final text on screen reads, "Fight like hell" and then we see an image of a PS4 and the various trademarks for Playstation.

THE COMPLAINT

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

This ad was violent and promoted violence, fighting and the use of weaponry. I felt it was completely inappropriate to an audience of people watching an AFL match. I would also presume many families and persons under the age of 18 would be watching the footy, and such persons under the age of 18 should not be subjected to this kind of advertising. The time of the ad was 9:50pm, which I feel is too early of a time slot to advertise such R18+ games. As an adult, I found the content of this ad and the nature of the violence shown quite confronting. I would never want my children exposed to such an ad.

THE ADVERTISER'S RESPONSE

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

We set out below our response to the complaint received under Complaint Reference Number 0248/16, being an advertisement promoting DOOM®, a fantasy / sci-fi video game set in the future on Mars ('the Game'), which was released in Australia on 13th May 2016.

There are three areas we address in this response; the AANA Code of Ethics, the points raised directly in the complaint, and the CAD Placement Codes.

AANA: In respect of Section 2 of the AANA Code of Ethics, the advertisement is not discriminatory of any people, gender or class (2.1), it is not exploitative or degrading of any individual or group (2.2), there is violence in the advertisement, on which we expound further below (2.3), the advertisement contains no sexual activity or nudity (2.4), there is no strong or otherwise inappropriate language in it (2.5), and it has no issues in relation to Health and Safety (2.6).

In respect of Section 2.3, as can be seen from the script provided, at the outset of the advertisement there is an R18+ High impact violence, blood and gore, online interactivity within the Game. The advertisement is wholly composed of the 'Doom Marine' (referred to as 'man in heavy armour' in the script), being the main protagonist in the game, in full 'alien' armour shooting at demons that are attacking and shooting rockets and fireballs at him, all of which is seen to take place on a fictional base on Mars, with exception of the final part of the advertisement depicting a scene set in Hell. The advertisement does not at any point show the impact of any of the gun shots or physical strikes from either the Doom Marine or the demons. We therefore respectfully submit that in accordance with Section 2.3 of the AANA Code, the violence portrayed was justifiable in the context of a fantasy R18+ Video Game, and did not depict any realistic acts of violence against people.

The Complaint: As mentioned above, we submit that the advertisement does not promote violence, fighting or the use of weaponry – the advertisement is clearly set in a fictional fantasy / sci-fi world occupied by demons and is in context to that world. The slogan "Fight Like Hell", shown at the end of the advertisement, is used to illustrate the game concept itself – the accompanying scene is based in Hell itself (referred to as the 'dark scene' in the script), and it appears at the point where the Doom Marine is seen to encounter a demon of unearthly size - as such it is not aimed at promoting violence or the use of weaponry. As for the timing of the advertisement coupled with it being aired during a sporting event, we submit that the specific guidelines of the CAD placement codes were strictly followed as outlined below.

CAD Placement Codes: Following the complaint, we investigated with our media agency and the broadcaster, and were advised that STV channels are covered by the ASTRA Codes of Practice. However, as the advertisement was an R18+, we were mindful that extra care had to be taken with the scheduling. As such we elected to have the advertisement rated according to the CAD Placement Codes, applicable to 'free to air' TV, and to comply strictly to their guidelines for scheduling of R18+ advertisements as we perceived them to be more stringent in their requirements due to their wider audience.

The advertisement received an "A" classification from CAD which is an MA Style

Commercial for R18+ classified cinema films, DVDs, videos and games. According to the CAD Placement Codes, the advertisement may be broadcast between 8:30pm and 5:00am on any day but cannot be shown before 9:30pm during Sport Programs and Films which are classified G or PG and start before 8:30pm. The advertisement which is mentioned in the complaint occurred at 9:50pm which is outside the restrictions of CAD.

We were further informed that the broadcaster believed the placement to be compliant and acceptable, as far as it was concerned. Notwithstanding the broadcaster's view, we would repeat our belief that for the reasons stated above, in any event the advertisement was compliant with the AANA Code of Ethics.

Next Steps:

We appreciate your consideration of our response to the complaint and will be happy to answer any further questions you may have.

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 depicts and encourages violence and, as an R-rated game, is not appropriate for advertising on television where children could view it.

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 that this television advertisement features images taken from a video game, including an armoured man and monsters fighting and shooting at one another.

The Board noted it had previously considered a similar complaint in case 0475/15 where:

"The Board noted that this television advertisement features footage of the computer game, "Fallout 4" which includes a man walking through deserted streets holding a machine gun which he uses to fire at giant cockroaches and armed mutants.

The Board noted that the game has 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. The Board noted the soundtrack of the advertisement and expressed concern that the use of laid-back music to accompany scenes of violence could imply that shooting to kill is acceptable. Following considerable discussion however the Board noted that the post-apocalyptic theme is not realistic and the creatures the man fires at are not human. The Board noted that recent global events have made the community more sensitive to violent actions but considered that in this instance the visuals of the advertisement are clearly in the context of gaming footage and in a fantasy situation."

The Board noted the current advertisement features what appears to be footage from an online game but is described in the disclaimer as not being in-game footage. The Board noted the advertiser's response that the impact of any gun shots or physical strikes are not depicted and considered that although the overall tone is suggestive of violence the actual content does not show the consequences of any violent action.

The Board noted that at the end of the advertisement we see an image of a PS4, games console and the PS4 logo and considered that the graphics and voiceover make it clear that the material shown is reflective of playing a game.

The Board noted the current advertisement has been rated 'A' by CAD. The Board noted that 'A' rated advertisements are described in the Free TV Placement Code (http://www.freetv.com.au/content_common/pg-cad-placement-codes.seo) as: "MA style commercials for R18+ classified cinema films, DVDs, videos and games" and that they may be broadcast between 8.30pm and 5am on any day. The Board noted however that CAD ratings do not apply to Pay TV and noted that the advertisement was viewed at 9.50pm on a Friday during an AFL game aired on a Fox Footy channel. The Board noted the ASTRA Code provides, "The Licensee must take into account the intellectual and emotional maturity of the intended audience of the channel when scheduling advertisements..." (Astra Code, Section 6.5) and considered that 9.50pm is not a time which is aimed at children.

The Board considered that the advertisement did present or portray violence in a manner which is justifiable in the context of the product advertised.

The Board determined that the advertisement 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.