



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0285-21</b>
<b>2. Advertiser :</b>	<b>Activision Blizzard Pty Ltd</b>
<b>3. Product :</b>	<b>Toys and Games</b>
<b>4. Type of Advertisement/Media :</b>	<b>TV - On Demand</b>
<b>5. Date of Determination</b>	<b>13-Oct-2021</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification  
AANA Code of Ethics\2.3 Violence

### DESCRIPTION OF ADVERTISEMENT

This television advertisement features a promotion for the game Diablo Resurrected. A man enters a church confessional booth to profess his sins to a priest. As the man proceeds to describe his immoral acts, escalating in intensity, he eventually reveals that he is in fact hunting demons. The priest says in order to fight evil, it is okay to descend into darkness himself. Flashes of the Diablo 2 Resurrected game come up on screen establishing the context of the confession.

### THE COMPLAINT

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

*It is making fun of religion. It is horribly violent. It is demonic. It is nasty. Get it off everywhere.*

### THE ADVERTISER'S RESPONSE



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

*We do not believe that the advert cited breaches the AANA Code of Ethics in any way. We have set out below the reasons why we feel this isn't a breach of each sub-section of section 2 of the Code, starting with the two sub-sections specifically called out in the complaint.*

*2.1 – There is no indication in the ad of any discrimination or adverse feeling to a specific religion or religion in general (or any other characteristic listed in the clause). While it is set in a confessional for dramatic effect, there is also no suggestion that the individual is expressing the thoughts he discussed because he himself is religious, and no connection is made between any religion and a propensity to violence. The individual depicted in the role of a confessor does not in any way encourage the individual making his confession.*

*2.3 – The ad does not depict violence, the characters only discuss it. Even that discussion makes clear, within a few seconds, that any violence is against fictional demons, not human beings, and there is no suggestion that the individual confessing is encouraging anyone else to participate in violence. The discussion of violence in a fantasy setting is relevant in relation to the game. While we believe that use of violent gameplay would be justifiable in the context of the game's rating and the ad's targeting, there is no gameplay depicted.*

*2.2 and 2.4 – There is no use of sexual appeal in the ad so we do not believe these sections apply.*

*2.5 – The language used in the ad is not explicit and the ultimate meaning (that the individual intends to play a game in which he kills demons) is clear from the script to an individual of the target age for the ad.*

*2.6 – There is no material in the ad which would be counter to health and safety.*

*2.7 – The ad is clearly and ad as demonstrated by the final shot, which includes the title of the game being advertised.*

#### *Additional Information and Background*

*The complaint states that the ad was viewed on Free to Air TV. What we believe the consumer was actually watching was online only video, broadcast live through an app accessed on a smart TV, as this advert has not been CAD rated and we have not placed it on Free to Air TV in Australia to date. The relevant network app, which requires log-in to use, has a targeting layer applied to the ad which ensures it is only displayed to Males ages 25 and over. Given that the consumer confirmed that she was female aged, 40-54 we assume that she has logged into the app using the account of a 25+ year old male. We'd note that, because the ad does not have a CAD rating, Network 9*



*(which displayed the ad) reviewed and approved it for use with the relevant demographic prior to broadcast.*

*Given the age targeting of the ad, we do not think that the AANA Code of Advertising and Marketing Communications to Children apply here and as such haven't addressed them in detail. As the ad does not relate to food, beverages or wagering, we have also not addressed terms of the sections of the Code applicable to those advertisements.*

## **THE DETERMINATION**

The Ad Standards Community Panel (Panel) considered whether the versions collectively forming this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement is making fun of religion and is violent.

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

**Section 2.1: Advertising or Marketing Communication shall 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.**

The Panel noted the AANA Practice Note which provides guidance on the meaning of:  
Discrimination - unfair or less favourable treatment

Vilification - humiliates, intimidates, incites hatred, contempt or ridicule

Religious views - a person's belief or non-belief in a faith or system of worship

**Does the advertisement portray material in a way which discriminates against or vilifies a person on account of religion?**

The Panel noted that in order to find a breach of Section 2.1 it would need to determine that the advertisement depicted material in a manner that was unfair or less favourable or humiliating or inciting ridicule of a person or section of the community, because of, in this case, religion.

The Panel considered that although the advertisement depicts a man in a confessional box it is not identifying a particular religion. The Panel considered that overall the advertisement is not showing a religion in a negative light, or suggesting that people who follow a particular religion should be thought less of.

The Panel acknowledged that people of the Christian faith may not like the use of the confessional box in the advertisement however considered that the content of the advertisement itself does not humiliate, intimidate or incite hatred, contempt or



ridicule of Christian people nor does it suggest treatment of Christian people in an unfair or less favourable manner.

### **Section 2.1 conclusion**

Finding that the advertisement did not portray material in a way which discriminates against or vilifies a person or section of the community on account of religion, the Panel determined that the advertisement did not breach Section 2.1 of the Code.

### **Section 2.3 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 Practice Note for this section of the Code which states “Graphic depictions of violence or a strong suggestion of menace have been found to present violence in an unacceptable manner especially when visible to a broad audience which includes children. For example, advertising for violent or horror movies, tv shows or video games should take care not to include images that give the impression that a character has just committed violence against someone (for example, a weapon with dripping blood), was the victim of violence (for example, freshly severed limbs) or is about to commit violence against someone (for example, gun aimed directly at a person or the viewer) where there is a broad audience which includes children”.

#### **Does the advertisement contain violence?**

The Panel noted that there is no particular music or sound in the advertisement other than the men speaking and a louder sound when the scene flashes from the confessional box. The Panel noted that the men are speaking about one wishing to commit violent acts. The Panel noted that the imagery of the advertisement does contain a very brief depiction of fire and a demonic creature however noted that the majority of the advertisement simply shows the man in the confessional. The Panel noted there are no depictions of blood or violent acts. The Panel considered that although there is limited actual violence in the advertisement the theme of the advertisement is one of violence.

#### **Is the violence portrayed justifiable in the context of the product or service advertised?**

The Panel noted that the advertised product is a video game titled ‘Diablo Resurrected’ which is rated MA15+. The Panel noted that the game contains violent action sequences and graphic imagery.

The Panel considered that the scenes in the advertisement showing fire and a demonic creature are highly stylised and do not show any blood or graphic imagery and that the scene is two seconds long in a 30 second advertisement.



Overall, the Panel's considered that the tone of this advertisement was suspenseful, and contained a suggestion of violence. The Panel considered that the level of menace was not excessive in the context of an advertisement for a video game rated MA15+.

### **Section 2.3 conclusion**

In the Panel's view the advertisement did portray violence that was justifiable in the context of the product being advertised and did not breach Section 2.3 of the Code.

### **Conclusion**

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