



**Ad Standards** Community Panel  
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Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

1	<b>Case Number</b>	<b>0437/18</b>
2	<b>Advertiser</b>	<b>Sony Computer Entertainment Aust Pty Ltd</b>
3	<b>Product</b>	<b>Entertainment</b>
4	<b>Type of Advertisement / media</b>	<b>TV - Pay</b>
5	<b>Date of Determination</b>	<b>10/10/2018</b>
6	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

Advertising to Children Code 2.01 Community Standards

## DESCRIPTION OF THE ADVERTISEMENT

The television advertisement features details of the Fortnite game bundle and gameplay footage of animated characters dancing.

## THE COMPLAINT

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

*The advertisement makes the game "Fortnite" appear harmless and fun, when in fact it's quite clear that the game is having incredibly negative adverse effects on children in Australia and all over the world. What's also deeply concerning is that the ad airs on a CHILDREN's television channel, aimed at very young children. Fortnite is NOT appropriate for children under the age of 13, so why this is shown on this channel is alarming and incredibly disappointing.*

## THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this





advertisement include the following:

*The Advertisement is for the PS4 console bundle with included Fortnite content. The creative starts by shown the actual bundle packshot as is available in retail stores. The remainder of the creative shows static screens which detail the contents included within the PS4 bundle and very short segments of non-contentious gameplay footage – specifically of animated character dancing to the music track. Within the gameplay footage there is no reference at all to weapons, or any violent actions.*

*Although utmost caution was taken with carrying the Fortnite ad on the Cartoon Network channel, we have been advised that the network has made the decision to withdraw the ad and cease its broadcast on the channel.*

*At the time of the broadcast, the Cartoon Network channel considered the commercial to be PG content and it was aired within PG programming.*

## **THE DETERMINATION**

The Advertising Standards Community Panel (“the Panel”) considered whether this advertisement breaches the AANA Code for Advertising and Marketing Communications to Children (the “Children’s Code”).

The Panel noted the complainant’s concern that the product is rated M and not suitable for children and therefore should not be marketed towards children on a children’s television channel.

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

The Panel considered whether the Children’s Code applied.

The Panel considered the definition of advertising or marketing communication to children. Under the Children’s Code, Advertising or Marketing Communications to Children means “Advertising or Marketing Communications which, having regard to the theme, visuals and language used, are directed primarily to Children and are for Product.” The Panel noted that Children are defined as “...persons 14 years old or younger” and Product is defined as “...goods, services and/or facilities which are targeted toward and have principal appeal to Children.”

The Panel considered whether the advertisement is directed primarily to children (14 years or younger). The Panel noted the practice note for the Children’s Code which states that whether an advertisement or marketing communication is “directed primarily to children” is an objective test based on several factors including, but not



limited to the combination of visual techniques, product and age of characters and actors. The use of any one factor or technique in the absence of others may not necessarily render the marketing communication “directed primarily to children.”

The Panel noted that the dictionary definition of “primarily” is “in the first place” and that to be within the Children’s Code the Panel must find that the advertisement is aimed in the first instance at children.

The Panel noted the marketing communication is a Pay TV television advertisement which is unrated, however appeared at 8.30pm on the Cartoon Network. The Panel noted the advertiser’s response that the advertisement appeared in a program rated PG. The Panel noted the product, a game called “Fortnite”, is rated M.

The Panel noted the theme of the advertisement, a new game bundle being available. The Panel noted that the advertisement features multiple animated characters dancing, and a plain blue background when using text. The Panel considered that if the advertisement were aimed at children, the advertisement would use simpler language and brighter colour.

The Panel noted the visuals of the advertisement and considered that there are scenes showing animated characters dancing as well as scenes showing static animated characters alongside text. The Panel considered that the amount of text in the advertisement is targeted towards teens and adults, and the upbeat music along with the characters dancing is likely to be of appeal to both adults and children.

The Panel then considered the language used in the advertisement. The Panel noted that among other descriptors the advertisement uses the word ‘phenomenon’ and considered that this word in written form is unlikely to be understood by children. The Panel considered that the font used in the advertisement, in conjunction with how long it appears on screen, would most reasonably be targeted towards people over 14. The Panel noted that we hear an upbeat song (I think I like it – Fake Blood) and considered that the music and language may be attractive to children, but would be equally attractive to adults and is therefore not directed primarily to children.

The Panel then considered whether the advertised product itself met the definition of Product as set out in the Children’s Code. The definition in the Children’s Code states that “product means goods, services and/or facilities which are targeted toward and have principal appeal to Children.”

The Panel considered that the product is targeted towards older teenagers who are more likely to have access and be allowed to play the M rated video game. The Panel considered that younger children are likely to want to emulate older children and play the game, but that this does not constitute a product that is targeted towards or is of principal appeal to children under 14.



Overall the Panel considered that the advertisement is not directed primarily to children and the product is not a product targeted and of principal appeal to children therefore the provisions of the Children's Code do not apply.

Finding that the advertisement did not breach the Children's Code or the Code of Ethics, the Panel dismissed the complaint.

