



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0459/16</b>
<b>2</b>	<b>Advertiser</b>	<b>Microsoft Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>Toys and Games</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>09/11/2016</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

- 2.6 - Health and Safety Unsafe behaviour
- 2.6 - Health and Safety Within prevailing Community Standards

## DESCRIPTION OF THE ADVERTISEMENT

The Advertisement opens to a black screen with an Xbox logo which zooms out to display an Xbox One gaming console. The viewer is then taken 'inside' the console. The Advertisement then displays animated footage that depicts a black sports car driving down a road. Four rectangles imposed over the car show the car driving across four filters that depict different landscapes. The car is then shown driving along a beach. Then, multiple cars are shown driving down a bushland road, followed by a scene depicting a monster truck flying over sand dunes, followed by a go-kart car driving through a bush track with helicopters above. Next, two cars are shown driving down a road, and then two cars are displayed turning a corner on a road. Following this shot, two sports cars are displayed side by side driving down a scenic ocean-side road, and the Forza Horizon 3 logo appears. The next screen has a green background with an image of the Forza Horizon 3 game packaging with the words 'Available now' followed the Xbox One, Windows 10, and Microsoft logos.

## THE COMPLAINT

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

*After viewing the accident site of a recent fatality yesterday in Adelaide where two teenagers driving a stolen car in excess of 200km/her killed an innocent mother of two. I found this particularly offensive. This behaviour does not need to be promoted openly on tv.*

## **THE ADVERTISER'S RESPONSE**

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

*We refer to the complaint made in connection with the Forza Advertisement (Advertisement) and thank you for the opportunity to provide a response.*

*We are committed to conducting all advertising and promotions to the highest standards and we take seriously any complaints made in relation to any such advertising and promotion. We regret that the complainant was offended by the Advertisement and we hope that this response will also assist them in understanding our intentions behind the creation and promotion of the Advertisement. Having considered the Advertisement, the complaint, and the requirements of the AANA Code of Ethics (Code), we respectfully submit that the Advertisement does not in any way contravene the Code.*

*The Advertisement in question is for Forza Horizon 3 (the Game), a fantasy racing genre video game created for the Xbox One gaming console. In the Game, players can choose from 350 animated vehicles to race and drive in an unrealistic style across different types of terrain that are fictionalised representations of Australia. The Game offers players an exciting, customisable fantasy world in which "boundaries cease to exist".*

*The Game has received a "PG" classification from the Australian Government Classification Board for "mild coarse language" and "online interactivity". The original Advertisement was produced overseas and subsequently localised for Australian television. Commercial Advice Pty Ltd (CAD) gave the Advertisement a "C" rating, which is a general unrestricted rating. The Advertisement itself runs for 30 seconds and features a series of fantasy computer generated action scenarios that are offered in the Game. No "real life" footage of cars, scenery or manoeuvres are shown, and the scenes demonstrate the unrealistic scenarios and racing opportunities that are only available in the fictionalised Forza Horizon 3 gaming world.*

*We submit, having regard to Section 2 of the Code that:*

*2.1 The Advertisement does 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, and accordingly, the Advertisement does not contravene Section 2.1 of the Code;*

*2.2 The Advertisement does not employ sexual appeal in any way and therefore does not contravene Section 2.2 of the Code;*

*2.3 Most members of the community would not consider the content of this Advertisement to portray any inherently violent imagery. Should the scenes in the Advertisement be considered by some members of the community to depict any violent imagery, we would assert that the Advertisement is presented in the context of the product advertised, being a stylized fantasy video game and therefore does not contravene Section 2.3 of the Code;*

2.4 *The Advertisement does not depict sex, sexuality or nudity in anyway and therefore does not contravene Section 2.4 of the Code;*

2.5 *The Advertisement features language which is innocuous, and it does not feature strong or obscene language or language which is inappropriate for the relevant audience and medium, and accordingly, the Advertisement does not contravene Section 2.5 of the Code;*

2.6 *The Advertisement does not depict any material which is contrary to Prevailing Community Standards on health and safety, including any unsafe practices or images, due to the fact the Advertisement only depicts computer generated scenes that show unrealistic stylised game-play. The Advertisement was created to embody the fast paced, customisable, and fantasy aspect of the Game by displaying different computer generated cars, terrains and scenarios blended together in quick succession. The Game and Advertisement both offer players access to a fantasy world in which they can perform gameplay maneuvers and tricks that are otherwise impossible to recreate in real life on real life vehicles and terrain. One example of this is the scene in the Game where giant monster trucks may be flown over steep sand dunes, a scene which shown in the Advertisement. The Advertisement clearly distinguishes such scenes shown from the real world, through the voice over which states: "Imagine a world without walls... where boundaries cease to exist".*

*The Advertisement only shows computer generated images from the game, and does not use any images from "real life". This Advertisement is unlike other Advertisements that use a combination of real life film with scenes from animated game play to advertise a video game. We refer to the Board's decision in regards to the "Juiced 2 - Hot Import Nights" advertisement (Reference number 351/07). This advertisement used a combination of "real life" and gameplay scenes. The Board found that "images of cars being driven around...at high speeds" that were "computer generated images" "were not in breach of the Code as they were clearly depicted as being part of the product (and) were stylised obvious computer game images". On the other hand, the Board found that a non-computer generated (real life) image of cars circling around women was a depiction of unsafe behaviour. We assert that the images shown in the Forza Advertisement are also "stylised obvious computer game images" and therefore not in breach of the code.*

*We assert that the community would understand that the Advertisement demonstrates animated scenes from the Game as opposed to scenes from "real life." The community would be able to distinguish this stylized Advertisement which is promoting a fantasy video game from Advertisements that are designed to promote a particular car, real life product or real experience. Lastly, we note that the Advertisement was broadcast over 1130 times and received only one complaint.*

*We therefore conclude that the Advertisement does not contravene Section 2.6 of the Code.*

*Further, the theme, visual imagery and language used are all intended to appeal to an adult audience, and therefore the Advertisement is not directed "primarily" or even incidentally to children. The Game in question is also not "targeted toward" children nor does it have a "principal appeal" to children. The Game itself is rated PG by the Australian Government Classification Board and as such, the Game is not recommended for viewing or playing by persons under 15 without guidance from parents or guardians. We note that children under the AANA Code for Advertising & Marketing Communications to Children the definition of "children" is persons 14 years old or younger. As a result, we submit that the AANA Code for*

*Advertising & Marketing Communications to Children does not apply to the Advertisement, and we therefore make no further comment in that regard.*

*We note that clauses 3.2 and 3.3 of the Code do not apply to the Advertisement.*

*On the basis of the above, we do not consider that the Advertisement contravenes the Code, having regard to Section 2 and 3.1 of the Code or otherwise. We confirm that the Advertisement is no longer being broadcast, and at this stage there are no plans for it to be run in the future.*

## **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 promotes speeding and unsafe behaviour on the road.

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

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”.

The Board noted that the television advertisement was promoting a video game and featured scenes from the game, including multiple scenes of animated footage of sports cars driving in different landscapes.

The Board noted that the advertisement was clearly animated and not a depiction of actual cars.

The Board considered that while this advertisement may encourage aspirations of fast driving in video games, it was clearly contextualised as a game and in the Board’s view the advertisement did not condone or encourage unsafe driving.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards.

The Board determined that the advertisement 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.

