



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0471/15</b>
<b>2</b>	<b>Advertiser</b>	<b>Sony Computer Entertainment Aust Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>Toys and Games</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Internet - Social</b>
<b>5</b>	<b>Date of Determination</b>	<b>09/12/2015</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

- 2.3 - Violence Graphic Depictions
- 2.3 - Violence Violence

### DESCRIPTION OF THE ADVERTISEMENT

The complaint was made in relation to content which was published in connection with a competition for the PlayStation 4 videogame “Call of Duty: Black Ops III”. The Competition was hosted by Sony Computer Entertainment Australia Pty Ltd (“SCE Australia”) on the official PlayStation Australia Facebook site between 6th - 12th November 2015 (the “Competition”).

To enter the Competition entrants were required to:

- be over 18 years of age,
- have a Sony Entertainment Network (SEN) account with linked Twitter account, a PlayStation Plus subscription, the use of a PlayStation 4 console with internet connection, and a copy of Call of Duty: Black Ops III PlayStation 4 game.

The Call of Duty: Black Ops III is a multiplayer first shooter videogame for PlayStation 4 and is rated R18 in Australia. Purchasers of the game (online or in store) must be 18 years or over.

Entrants were required to complete the following steps during the Competition period:

- Play Call of Duty: Black Ops III multiplayer using a PlayStation 4 console during the Competition period.
- Share a 10 second clip showing your best kills, skills & thrills to Twitter with the tag “?#?PlayOfTheDayAU??” using the below method
  - Press the “SHARE” button on the Dualshock 4 controller
  - Select the “Upload Video Clip” icon from the share menu
  - Click on the Twitter icon and upload your 10 second clip. You will need to have your

SEN account linked to your Twitter account.

All entries were judged individually based on their merits and originality of response. Seven (7) winners of the Competition were contacted by PlayStation Australia and the winning entries were re-posted on the official PlayStation Australia Twitter site.

The winning entry, which is the subject of the complaint, features footage from selected moments within the game, showing characters who must fight for survival in the multiplayer online arena of a fictional war zone. As is common with many videogames of this type, individuals who play Call of Duty: Black Ops III are free to choose the characters who are involved in the action. In this particular entry, one of the opposing players chose to have a female as one of the combatants in a war zone.

## **THE COMPLAINT**

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

*Why do we have ratings when advertisers can promote videos and not show the ratings. The video of violence against women is not something we should be promoting in any way, shape or form. As a gamer I'm trying to shake the misogynistic stigma gamers have. Playstation are promoting it, not just that they are potentially going to give the person who made this video a prize so they are encouraging videos like this.*

## **THE ADVERTISER'S RESPONSE**

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

*I refer to Section 2.3 of the AANA Code of Ethics which says that Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.*

*The product promoted in the Competition is a videogame that has been classified as being suitable for audiences aged 18 years or over, in accordance with the Australian Classification Scheme. Any violence depicted is justifiable within the context of the product being promoted and appropriate to the target audience, namely players of the videogame Call of Duty: Black Ops III who are 18 years or over (the "Target Audience") SCE Australia took reasonable steps to ensure that the content was viewed by the Target Audience however, other than the boundaries that existed within the game itself, we were not able to control or edit the final content that was uploaded by entrants in the 10 second clip as part of the Competition.*

## **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 footage from a computer game showing violence against a woman.

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 this advertisement is a video tweeted by Sony as part of a competition it ran and that it features footage of the game, Call of Duty: Black Ops III, being played. The Board noted the advertiser's response that the footage of the game was uploaded by a player and is therefore not something they can control or edit and considered that by choosing to Tweet the video the advertiser is responsible for promoting the game and drawing attention to it as part of a marketing and communications promotion.

The Board noted that the advertisement features footage of gaming content. The Board noted that the footage shows a first person shooter who shoots at a number of armed combatants. The Board noted that the final combatant the player encounters is female and considered that she is depicted as a soldier first rather than as a female. The Board noted the female soldier is armed and considered that the modern armed forces have both male and female soldiers and therefore the game's depiction of a female soldier is consistent with reality. The Board noted that the player is shown to shoot at the female soldier but considered that we don't see the bullet striking her; the points awarded for the hit are displayed above her head as she falls but there is no blood.

The Board noted that the advertisement would need to be sought out and played as it does not just appear in everyone's Twitter feed and it requires the user to click on the video to see the footage. The Board noted the complainant's concern that there is no rating on the footage used in the advertisement and that violence against women should not be encouraged. The Board considered that the footage has been uploaded as part of a competition and does not require a rating, and the violence in the advertisement is not gender specific but related to armed combat featuring persons recognisable as professional soldiers. The Board considered that the advertisement did not encourage or condone violence against women.

The Board acknowledged that some members of the community would prefer that these types of computer games were not advertised, or even allowed, but considered that in the context of a Tweet on a gaming provider's Twitter account about a game known to feature violent and graphic imagery, the depiction of armed combat in the advertisement 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.

