



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0475/15</b>
<b>2</b>	<b>Advertiser</b>	<b>Bethesda</b>
<b>3</b>	<b>Product</b>	<b>Toys and Games</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Pay</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
- 2.3 - Violence Weapons

### DESCRIPTION OF THE ADVERTISEMENT

The complaint relates to a 30 second advertisement promoting Fallout® 4, a fantasy video game set in a post-apocalyptic future ('the Game'), which was released in Australia on 10th November 2015. The advertisement features footage from the game which includes a man walking through empty streets brandishing a gun and accompanied by a large dog.

### THE COMPLAINT

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

*Glorifies violence. Product was not mentioned. In view of Paris terrorism guns and violence totally inappropriate and encouraging young to believe violence and carrying machine guns is OK.*

### 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 0475/15, being an advertisement promoting Fallout® 4, a fantasy video game set in a post-apocalyptic future ('the Game'), which was released in Australia on 10th November 2015.*

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

*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 MA 15+ Warning of Strong Violence, drug references and coarse language within the Game. The advertisement begins in a suburban neighbourhood, there is a large blast devastating the area, and a man latterly emerges from a nuclear shelter, and wanders the wasteland, with a rifle, and a German Shepherd companion. He is later seen to be shooting at giant cockroaches and armed mutants, that are shooting at him. 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 MA15+ 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 glorify violence, nor would it encourage young people to believe violence and carrying guns is acceptable – the advertisement is clearly set in a futuristic fantasy world and is in context to that world. No reference to the appalling recent events in Paris was intended, and we would not have expected any connection to be made between those events and the advertisement. We would also respectfully disagree with the assertion that the product is not mentioned – the advertisement opens with the Microsoft Xbox logo (indicating it is for a video game), and ends with a focus on the Fallout 4 logo, followed again by the Xbox logo and then pack shots of the Game.*

*ASTRA: Following the complaint, we investigated with our media agency and the broadcaster, and were advised that as ESPN and ESPN 2 are STV channels, they are covered by the ASTRA Code of Practice and as such there are no time related restrictions as to the placement of this material on STV services. 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 are aware of the sensitivities around recent events, and will take into account the concerns raised in the complaint in any future scheduling of the advertisement in an effort to avoid potential offense that it may cause to viewers.*

*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 glorifies violence and encourages young people to believe that carrying guns is okay.

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 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 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.