



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0483/12</b>
<b>2</b>	<b>Advertiser</b>	<b>Sussex Media</b>
<b>3</b>	<b>Product</b>	<b>Toys and Games</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Outdoor</b>
<b>5</b>	<b>Date of Determination</b>	<b>12/12/2012</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.3 - Violence Violence

### DESCRIPTION OF THE ADVERTISEMENT

The outdoor advertisement was for an MA15+ rated video game - Borderlands 2 (release date 20th September, 2012). It is the same artwork creative that appears on the front of box for the video game and appeared on APN Buses/Trams (Nationally) and Hills Buses (Sydney).

The background colour of the ad is yellow and orange, with the dominating central image being of a person wearing tan-coloured skin-tight clothing, a head covering of some sort and light-blue lit-up eye sockets.

### THE COMPLAINT

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

*I really strongly object to the main image, because the person is holding both two fingers from each hand up under their neck, with their head tilted back, so that each hand represents a gun and the person is intimating either they are going to shoot themselves in the head or threatening to shoot someone else in the head.*

*I strongly object to this because it is very powerful and violent imagery which I don't think should be openly out there for anyone under the age of 15 years, and particularly for young children. It's a very shocking and terrifying image; basically the person in the ad is saying "I'm going to kill you by shooting you in the head".*

*I don't think this image should be out there for all ages to see.*

## **THE ADVERTISER'S RESPONSE**

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

*Borderlands 2 is a video game. The setting is a fictional world/planet - called Pandora. The inhabitants of this planet are varied and include humanoid looking characters (not referred to as humans); alien creatures, humanoid looking aliens and robots. The outdoor advertising image is of a generic enemy character in the game - the "Psycho Bandit" who is always displayed with a mask on - so he could have an inhuman face such as a Star Trek character, even though the limbs/torso are humanoid in shape. This enemy character appears on the front of box for the video game in store. There is no "speech text" associated with the advertisement from the displayed character, nor is he holding any gun - so any interpreted meaning is solely that of the individual complainant.*

## **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 depicts violent imagery which is not suitable for children to see.

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 of the Code 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 the advertisement is for a computer game called "Borderlands 2" and features an image of man/robot holding his hands up in front of him so his first two fingers of each hand are pointing at his chin.

The Board noted it had recently dismissed a similar complaint for a computer game called, "Dishonored" (case reference 0421/12) which featured a hooded figure holding a sword.

The Board noted that in this instance the main character is not holding a weapon but that the complainant is concerned that his fingers are arranged to represent guns. The Board considered that whilst this interpretation is not unlikely it is not the only explanation for the hand gesture and while suggestive of a gun is not a threatening image. The Board noted that there is an image of one or more guns in the background of the advertisement and considered that these are relatively small images which are not inappropriate considering the product advertised.

The Board noted that the advertisement is on display outdoors and that it could be viewed by children. The Board considered that the image is presented in the context of a computer game and that the text further enforces that: "Game out 20th September!" In the Board's

view most members of the community would not consider the content of this advertisement to be powerfully violent imagery. The Board also considered that the advertisement would be seen by young children and that it could be considered by them to be threatening or scary, but noted that young children would be unlikely to see the images without parental supervision and that the violence is relatively mild.

The Board considered that the advertisement does not specifically present or portray violence and that the threat of violence or menace in the context of this game is not inappropriate for viewing by a broad audience including children.

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.