



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0487/18
2	Advertiser	Rockstar Games
3	Product	Entertainment
4	Type of Advertisement / media	Transport
5	Date of Determination	14/11/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Violence Weapons

DESCRIPTION OF THE ADVERTISEMENT

This transport advertisement is for the game "Red Dead Redemption II" and features a man pointing a gun towards the audience. A silhouette of riders on horses feature in-between the character and logo on the portrait layout of the advert and beneath the logo to the side of the character on the landscape layout of the advert. Both layouts also contain a 'check the classification logo', publisher logo, platform logos, release date, tagline 'Outlaws for life' and various 'PlayStation 4 Pro' product related logos.

THE COMPLAINT

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

This is a large picture on a public bus of a man pointing a gun at people as they walk by. Guns are evil and there is nothing good about a gun. My three year old saw it and was scared and has now had nightmares about it. I can't understand how it can be advertised in Australia let alone on a public service such as our buses. It just normalises gun use which is just disgusting.



THE ADVERTISER'S RESPONSE

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

Response to Ad Standards Community Panel

Complaint: 0487/18

Response to complaint

- 1. This submission is made by Take-Two Interactive Software, Inc (Take-Two) in response to complaint 0487/18 received by letter dated 30 October 2018. This letter was addressed to Rockstar Games, which is owned by Take-Two.*
 - 2. Section 2.3 of the AANA Advertiser Code of Ethics (Code) provides that "Advertising or Marketing Communication shall not present or portray violence unless it is justifiable in the context of the product or service advertised".*
 - 3. No issue regarding the advertisement arises under any other section of the Code.*
 - 4. The Code of Ethics Practice Note provides that "depiction of violence to promote a violent game may be acceptable provided it is relevant to the product advertised". Importantly, we note the Code does not apply to labels and packaging.*
 - 5. In this case, Take-Two submits that use of the image in the advertisement is justifiable because:
(a) it is not realistic;
(b) it does not depict or condone violence; and
(c) it reflects the image on the packaging of the game.*
- Moreover, previous decisions have found this image and others like it to be acceptable. As such, Take-Two submits that the image does not breach section 2.3 of the Code.*
- 6. The image is the same as the image used on the front of the game case. Exactly the same image appears on the product on the shelves of a wide variety of retailers across Australia, and on online shopping websites. Take-Two submits use of the image is directly relevant to the product advertised and is justifiable in that context.*
 - 7. The complainants assert that the advertisement normalises gun use and promotes violence. The image is a heavily stylised cartoon of the protagonist of the game, historical Wild West outlaw Arthur Morgan. He is standing in front of a sunset, looking*



off to the side, holding a gun which is pointed off centre (not directly at the viewer of the advertisement). Various Playstation logos, age classification logos and the writing "Rockstar Games presents" make it clear the advertisement is for a fictional video game. It is also clear the game is present in an historical Wild West era, evidenced by features of the image including that Morgan is wearing a cowboy-style hat, there are men on horses in the background and the ad tagline reads "Outlaws for life". The colours in the image are black and red, so it is clear the image is a fictional artwork and not realistic. The advertisement, and the game itself, is clearly set in a fictional and/or historical world. The image does not promote gun use or violence in the real world.

8. The complainants also assert that the advertisement gives the impression of a threat of imminent violence which frightened their child. Previous decisions have acknowledged that children can distinguish between cartoon and real-life. It is unlikely these advertisements would be viewed by children without being in the presence of an adult. As outlined above, the image is a cartoon drawing, as opposed to an actual person or a photograph of an actual person. It is highly stylised and artistic, and is not a realistic drawing. The gun is off-centre and is not being aimed directly at the viewer of the advertisement.

9. The advertisement was approved to run at the location complained of by both the media owner and the Outdoor Media Association. Take-Two and Rockstar Games pride themselves on being responsible advertisers, and we took care to have these images pre-approved before the advertising campaign started. We apologise for any offence caused to members of the public, in particular the complainant. The advertisements were not intended to be directed towards children but we acknowledge that due to the nature and location of the advertising medium it is not possible to completely avoid children seeing the advertisement. However, with 67% of Australia's population playing video games and the average age of an Australian gamer being 34 Years old, we consider out-of-home media to be a relevant media that we need to utilise and advertise on in order to reach potential customers. Ultimately, we consider the advertisement is justified as it is not realistic, does not depict or condone violence and reflects the image used on the game packaging.

Previous complaints about Red Dead Redemption advertising

10. The advertisements in question are for Red Dead Redemption 2, the prequel to Red Dead Redemption which was released in 2010. We note that two complaints were made about the advertisements for Red Dead Redemption in 2010, which was substantially similar to the advertisement currently in question. Both of these cases (0232/10 and 0243/10) were dismissed by the then Advertising Standards Board (Board).

11. In those cases, complaints of a similar nature were made, with the complainants



worried about their young children being frightened by the image. In both cases, the Board held "the depiction of the man holding the gun in the advertisement is clearly an illustration which could not be mistaken for an actual person and was not excessively frightening". Just as is the case here, "the image used in the advertisement is the image that appears on the front of the game case and [the Board] considered whether the violence in the advertisement was justifiable in the context of the product being advertised". Ultimately, the Board held that since "the image is from a computer box for a game targeted at an audience 15 years and over the violence in the advertisement is justifiable in the context of the product advertised".

12. Given the striking similarity between the image and the complaints in these cases, we request the Ad Standards Community Panel (Panel) to make a consistent determination by dismissing the current complaints.

Previous complaints about other advertising involving guns and similarities to present case

13. In case 0255/11, an advertisement on the side of a bus depicted a masked character from a video game pointing a large gun at an unidentified target, and the relevant video game platforms it was available on. The complainant asserted the advertisement condoned gun use and frightened young children. The Board held images of guns are not themselves prohibited, and that the image was more a suggestion of violence as opposed to an actual depiction. The Board dismissed the complaints. Similar reasoning can be applied to the current complaint: images of guns are not themselves prohibited, and while a man holding a gun may conjure up the idea of violence, the image in question does not depict violence. There is no suggestion that a shot has been fired, or that anybody has been injured or killed. There is no visual depiction of blood or body matter. Take-Two submits the image is relevant to the product it is advertising, and is justifiable in the context.

14. Other cases where guns have been used to promote video games which were dismissed by the Board include: 0200/18, 0136/17, 0188/14, 0226/14 and 0307/10. In each case, the Board dismissed the complaints on the grounds that the advertisement in question made it clear it was for a fictional video game, did not condone violence, was directly relevant to the product advertised and therefore justifiable in the context. These cases are analogous to the current case; in particular, it is made extremely clear through the use of Playstation logos and the line "Rockstar Games presents" that this advertisement is for a video game. It is not a realistic depiction of violence in any way and does not condone violent behaviour or the use of guns in real life.

15. In case 0323/16, an advertisement for the Jason Bourne movie depicted a photograph of actor Matt Damon holding a handgun pointed to the side of the viewer. A complaint was made that the advertisement was "menacing" and promoted guns and violence. The Board held that the advertisement clearly indicated it was an



advertisement for a film which contained numerous scenes which are violent in nature and contain the use of weapons, and that it was reasonable to justify that the image of a gun is relevant to the product being advertised. The complaints were dismissed. This case is analogous to the current complaint, where the advertisement clearly indicates it is an advertisement for a video game (evidenced by the fact it says "Rockstar Games presents" and is accompanied by Playstation logos) which may contain the use of guns and violence. Take-Two submits the use of the image is therefore reasonable and justifiable as it is relevant to the product being advertised.

16. In case 0424/12, a complaint was made about a TV advertisement for the Transformers: Weaponizers toy range which featured robotic action figures shooting weapons and a voiceover saying "Maximum destruction". The complaint was that the advertisement presents violence to children in a manner which is offensive and inappropriate. The Board dismissed the complaint, holding that children are able to distinguish between cartoon characters and real-life violence. This is applicable to the current complaint, where it is obvious that the man in the image is a cartoon man and that the advertisement is for a fictional video game. It is neither depicting nor condoning real-life violence. Furthermore, this advertisement was specifically targeted at children: it was for a children's toy and was shown in a timeslot when children would be watching television. Notwithstanding this, the complaint was dismissed. This is contrasted to the current situation, where the advertisement is not specifically targeted at children but shown to the general public at large, and is not attempting to target children to buy or use the product. It is clear the product is an adult video game which can only be bought and played by those over the age of 15.

17. For the reasons set out above, Take-Two requests that the Panel dismisses the complaint.

THE DETERMINATION

The Ad Standards Community Panel ("Panel") considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the "Code").

The Panel noted the complainant's concern that the advertisement features a man pointing a gun towards the viewer which is inappropriate to be viewed by children.

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

The Panel noted that this advertisement is for a video game and featured an animated image of a man in a western scene pointing a gun in the direction of the viewer.

The Panel considered whether the advertisement breached 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 Panel noted the complainant's concern that the advertisement was highly inappropriate and frightening for children.

The Panel noted that the product advertised is an MA15+ rated game containing violence and that the depiction of violence in an advertisement is relevant to the product.

The Panel noted that the gun in the advertisement is not pointing directly outwards, but rather off centre and not directly aimed at the viewer. The Panel considered that the advertisement was animated and did not feature a real man or a real gun.

The Panel considered the advertisement did not contain imagery of blood or graphic violence.

The Panel considered the advertisement featured an image of a character from the game with a gun and ammunition belt and considered that the advertisement only contained mild violence that was relevant to the product being advertised.

The Panel considered that the advertisement containing mild violence directly relevant to the product being promoted was not inappropriate for the medium of transport.

In the Panel's view the violence portrayed in the advertisement was justifiable in the context of the product advertised and did not breach Section 2.3 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Panel dismissed the complaint.

