



CASE REPORT

1. Complaint reference number	239/09
2. Advertiser	Rockstar Games
3. Product	Entertainment
4. Type of advertisement	TV
5. Nature of complaint	Violence Other – section 2.2
6. Date of determination	Wednesday, 10 June 2009
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This animated television commercial promotes the for the video game Grand Theft Auto – Chinatown Wars. The commercial depicts the main characters in the game by including the words on the screen throughout the ad “My name is Huang Lee, I am here to restore my family’s honor, which, as they are a bunch of drug dealing murdering psychos, won’t be that easy.”

THE COMPLAINT

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

The use of the word 'psychos' in combination with violent images and reference to 'murdering' may lead to further isolation and misunderstanding for the majority of people with a mental illness, who are law-abiding and non-violent.

This complaint has been raised by a number of community members via SANE Australia's StigmaWatch program which is part of the Mindframe National Media Initiative, working with the media to generate responsible, accurate and sensitive portrayals of mental illness.

While this advertisement may be intended to refer to a character who is psychopathic (not related to mental illness), rather than psychotic (experiencing psychosis related to schizophrenia or bipolar disorder) many viewers will not understand the difference and will assume mental illness and research has shown that many people feel the stigma is even worse than the actual symptoms of mental illness.

If you believe we should pursue these concerns via the advertiser directly, I'd appreciate any information you may have regarding contact details or direction as to the most appropriate organisation eg. channel nine, Nintendo DS or Rockstar Games.

On behalf of those who contacted SANE StigmaWatch, thank you for your consideration and response to this issue.

THE ADVERTISER’S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

The complaint objects to “ the word 'psychos' in combination with violent images and reference to 'murdering' ” and suggests it may lead to “isolation and misunderstanding for the majority of people with a mental illness.”

The complaint was filed citing Section 2.2 of the AANA Advertiser Code of Ethics regarding unjustifiable violence, but the description of the objection actually falls under Section 2.1. The pertinent part of that section states that advertisements “ shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of . . . disability.”

Take Two regrets any offense the commercial may have caused. We believe, however, that it is clear from the context of the commercial that the word “psychos” is being used colloquially and does not refer to anyone with a mental illness. We believe the overwhelming majority of viewers do not find the advertisement to discriminate or vilify persons with mental illness, especially since the individuals being referred to are not depicted in an exaggerated manner. We therefore respectfully request that the Board find that the advertisement does not contravene the provisions of the Code relating to the portrayal of persons with disabilities and dismiss the complaint. See, e.g., Complaint 264/06, Nando’s Australian Pty Ltd (11 July 2006); Complaint 228/04, Domino’s Pizza Aust Pty Ltd (14 Sept., 2004); Complaint 293/04, Major Rentals (9 Nov., 2004); Complaint 197/00, 20th Century Fox Film Distributors Pty Ltd (11 July, 2000).

We trust that this explanation resolves the current complaint. Please let us know if you require any further information.

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 concern that the advertisement discriminates against or vilifies people suffering a mental illness by its reference to 'psychos'.

The Board accepted that such references, in particular contexts, could be suggestive of people suffering a mental illness and could be in breach of the Code. In this particular advertisement however the Board considered that the context was clearly depicted as a computer game titled 'Chinatown Wars' which appears to involve violence and drug dealing. The Board noted that part of this game refers to a person attempting to revenge his family's honour but refers to them as 'drug dealing psychos', this text is immediately followed by an image of five cartoon men appearing in drug lord or mafia style. The Board considered that the use of the word psycho in this advertisement clearly refers to dangerous criminals - not to people suffering a mental illness. In the complainant's words the Board considered that most members of the community would consider this a reference to people who are '*psychopathic* (not related to mental illness), rather than *psychotic* (experiencing psychosis related to schizophrenia or bipolar disorder)'. The Board considered that this reference did not discriminate against people suffering from a mental illness and that the advertisement did not breach section 2.1 of the Code.

The Board also considered whether the advertisement breached section 2.1 of the Code by depicting Chinese people as drug dealers and violent criminals. The Board noted that this advertisement depicts people as part of a game called 'Chinatown wars'. The Board considered that the suggestion of a particular ethnic or racial group as part of this product is not in contravention of section 2.1. The Board noted that some members of the public may have concern about the product itself, however considered that the advertisement did not suggest that all Chinese people are violent criminals or of bad character and therefore there is no breach of section 2.1 of the Code.

The Board noted that the advertisement refers to drug dealing and violent behaviour. The Board considered that these depicts are part of the product and are clearly represented as such and that there is no suggestion that the behaviour in the game is behaviour that is acceptable in public. On this basis the Board determined that the advertisement did not breach section 2.1 or 2.6 of the Code.

The Board considered that the references to violence are depictions of violence that are justified by the context of the game being advertised and that this was not a breach of section 2.2 of the Code.

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