



CASE REPORT

1. Complaint reference number	71/10
2. Advertiser	EB Games
3. Product	Entertainment
4. Type of advertisement	TV
5. Nature of complaint	Discrimination or vilification Gender - section 2.1 Violence Domestic violence – section 2.2
6. Date of determination	Wednesday, 24 February 2010
7. DETERMINATION	Upheld – discontinued or modified

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts various animated scenes from a game where a man is chasing a woman. There are references to the woman being with another man. In one scene the animated woman is running away carrying a child in her arms. The man yells out, whilst pointing a gun at the woman, he yells "the child is mine" and shoots the gun. The woman is heard to yell.

THE COMPLAINT

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

I object to the violence the use of machine guns in a game play situation and especially the shooting of a women and her child....over a custody battle!!! My 15 year old daughter was even shocked at the ad.

[Please note: this complaint is about the Television advertisement, not about the video game]

*I believe the depiction in a television advertisement of the use of any firearms in a video game *to settle a domestic dispute*, even in a video game, is highly objectionable, as it may instill the idea of using firearms in viewers (whether they be children or adults).*

I highlight several factors making this particularly objectionable:

*1. This is not an advertisement for a movie, where the viewer stands apart from fictional violent acts. It is an advertisement for a video game, where the player actually *participates in the violence* in the game. If the video game makers wish to make such games, that is one thing. But to advertise them on television is highly inappropriate. Even though I saw this advertisement after 10pm, there were surely children watching the advertisement.*

2. The use of automatic firearms in the advertisement does not relate to scenarios where killing might perhaps be justified, such as the typical subject matter for first-person shooter games (war situations, law enforcement, or defending Earth from alien attack). It relates to domestic disputes, where use of any lethal weapons is highly inappropriate.

3. Thirdly, firearms aside, the bad attitude portrayed in the video game which is used to "justify" the violence promotes violent means to settle domestic conflicts.

I find this advertisement objectionable as it presents violence as being the answer to disputes. There is enough violence already as a result of custody disputes and this game is condoning the violence.

The ad promotes violent, destructive, dysfunctional serious issues (domestic violence albeit mutual

inn one scene, 'custody crimes', revenge violence, violence toward women and children) in a video game. This is particularly distasteful and disturbing when the news headlines lead with a woman murdering her children in a custody dispute. I am very concerned at the lack of consideration shown toward your audience. I question why channel 10 which promotes family orientated tv would consider such material suitable to its image. In addition as the time slot is not particularly late (10 30pm) I am surprised such ads don't incur suitability warnings - like movies do ie. this ad shows you being able to play at killing your exes and YOUR children! Thank you I look forward to your feedback.

THE ADVERTISER'S RESPONSE

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

EB Games vigorously disputes any wrong doing in relation to this code of ethics.

Section 2.2 states 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 violence in the Bioshock 2 ad that was shown on Channel 10 was justified in the context of the game as explained below.

Bioshock 2 is an MA15+ rated game that is set in fictional dystopian city Rapture in alternative history 1968, eight years after the events of Bioshock. The protagonist and player-controlled character is a Big Daddy that scours the city in a vain attempt to relocate the Little Sister that he was paired with. The 'Little Sisters' in the game, like all in-game characters, are purely fictional and are more alien than human.

The ad uses a spoof narrative over a direct representation of an in-game multiplayer mode called Capture the Sister using two characters exclusive to EB Games (Zigo and Blanche):

- ***Capture the Sister:*** *A 'Capture the Flag' style mode where players are divided into two teams. One team has to protect a Little Sister while the other team tries to steal her and place her in a vent on the other side of the map. After a pre-determined amount of time, the teams switch roles. Whichever team has the most captures at the end of the match wins.*

We regret any offense the commercial may have caused. We believe, however, as you can see from the above explanation, that the ad was in no way out of context to the game and relates directly to the multiplayer aspect of the game it was advertising.

We trust that this explanation resolves the current complaint. If you require any further explanation of the game or information, please let me know, I am happy to help in anyway.

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 complainants' concerns that the advertisement was offensive and dangerous because it depicted a violent scene which imitated domestic violence and would appear as if domestic violence is normalised or condoned by our society.

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

The Board considered whether the advertisement was in breach of section 2.2 of the Code. Section 2.2 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 that the advertisement is for a computer game and that the advertisement depicted scenes from the game which imitated a serious domestic violence scenario. The Board noted that the Code permits depiction of violence where it is justifiable in the context of the product or service advertised and that the Board has permitted graphic depictions and violence to be shown in

advertisements for movies, computer games and horror books. Notwithstanding that the advertisement depicts scenes from the game, the Board considered that most members of the community would find this advertisement confronting and outside the realm of what is acceptable or normal for promotion of a game. The Board noted that the advertisement depicted a man with a gun, threatening a woman who was holding a child and that although animated, the accompanying voiceovers are obviously about domestic violence. The Board unanimously agreed that the advertisement was overtly violent and most members of the community would consider it unacceptable.

Finding that the advertisement was in breach of the Code under section 2.2, the Board upheld the complaint.

ADVERTISERS'S RESPONSE TO THE DETERMINATION

Comments which the advertiser made in response to the determination regarding this advertisement included the following:

I can confirm that this ad will not be played on TV again.