

Compliance Report

Video Games Advertising Survey 2008

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1 Summary

Recognising widespread concerns about the potential effect of video games and the internet on children, Dr Tanya Byron was asked by the Prime Minister to conduct an independent review into the potential risks to children from exposure to video games and unsuitable content on the internet. The UK Council for Child Internet Safety was subsequently launched to deliver the recommendations of Dr Byron's report, 'Safer Children in a Digital World'.

One of the recommendations of the Byron Review was that the Government should commission an investigation into whether video games were being advertised in a responsible way and whether children were being encouraged to play games that were unsuitable for their age or experience.

The ASA noted the concerns raised by Dr Byron and the UK Council for Child Internet Safety about the advertising of video games and has, in response, conducted a Compliance Survey of ads for these products.

The Compliance team assessed broadcast and non-broadcast ads for video games that appeared in all media between April and June 2008. Of the 241 ads assessed, 178 appeared in non-broadcast media (newspapers, regional press, magazines, posters and the Internet) and 63 appeared in broadcast media (TV and radio). We have not included in the results, duplicates of ads that we found more than once in the survey. In all, 130 separate games were advertised in the sample period in the 241 ads we considered.

Of the 241 ads examined, we considered that only one was unacceptable. The ASA has investigated and upheld complaints about it.

Some of the other broadcast ads raised compliance questions because their content seemed to be more graphic than others. However, when considering the ads in the context of when they were broadcast, we concluded that they did not breach the CAP or BCAP Codes.

The overall compliance rate was over 99%.

2 Introduction

2.1 Background

The Advertising Standards Authority (ASA) maintains high standards in advertisements by enforcing the CAP and BCAP Codes, which apply to the content of non-broadcast and broadcast marketing communications. It is responsible for ensuring that the self-regulatory system works in the public interest and takes effective and consistent action to prevent ads from being misleading, harmful or offensive. The ASA achieves that by investigating complaints, monitoring advertisements through systematic research and giving marketers advice and training to help them avoid potential breaches of the Codes.

The Committee of Advertising Practice (CAP) is the body that created and revises the CAP Code. It represents advertisers, promoters and direct marketers, their agencies, the media and trade and professional organisations in the advertising, sales promotion and direct marketing industries. CAP provides a pre-publication copy advice service and co-ordinates the activities of its members to achieve the highest degree of compliance with the CAP Code. CAP's Broadcast Committee (BCAP) is contracted by the communications industry regulator, Ofcom, to write and enforce the Codes that govern TV and radio ads. BCAP comprises representatives of broadcasters licensed by Ofcom, advertisers, agencies, direct marketers and interactive marketers.

The Compliance team works to ensure that marketing communications comply with the CAP and BCAP Codes and with ASA adjudications. The team follows up ASA adjudications, monitors both broadcast and non-broadcast marketing communications and takes immediate action to ensure ads that breach the Codes are removed from the media. One of the team's objectives is to create a level-playing field for marketers in each sector and it ensures that by communicating decisions that have sector-wide ramifications. The Compliance team conducts surveys (of which this is one) to assess compliance rates in particular industries, sectors or media. The surveys help to identify marketing trends and to anticipate subjects of concern that need to be addressed by the ASA and CAP.

In March 2008, Dr Tanya Byron published her report into child safety and digital media. The study looked at the risks to children from exposure to

potentially harmful and unsuitable material on the internet and in video games.

The review considered the effect of violent video games and how they are rated and advertised. Dr Byron drew two key conclusions: (1) the playing of video games was correlated to violent behaviour but no causal link has been proven; (2) many children saw the violence in those games as the key to progress to the next level and did not relate it to their understanding of violence in real life.

When considering how and when children were exposed to violence in video games, Dr Byron suggested that advertising played a role. She concluded that although she had no evidence to demonstrate that video games were being advertised irresponsibly, research should be undertaken. Dr Byron stated:

“I recommend that the Government should commission and oversee research to examine (1) if video games are being advertised responsibly, in line with the age-ratings, and (2) the role of marketing in stimulating children and young peoples’ desires to play video games that are not appropriate for their age”.

The review also recommended more wide-ranging action across the video games and advertising industries. The recommendations that were specific to the ASA were:

- the advertising industry should take steps to future proof advertising regulation; tackle the regulatory challenges posed by emerging technologies, such as digital advertising, to ensure that the ASA’s remit was extended to cover them.
- ongoing training be provided for advertisers so that they were fully aware of the requirements laid down in the Advertising Codes.
- advertising guidance notes, or specific code clauses, should be produced for the advertising of video games.

The report recommended a dialogue between the gaming industry, advertisers and regulators to ensure that games could be produced, rated and advertised in such a way that children were not exposed to harmful video game content.

2.2 CAP and BCAP Codes

The purpose of the Codes is to maintain the integrity of marketing communications in the interests of both the consumer and the industry. All ads should be legal, decent, honest and truthful. They should be prepared with a sense of responsibility to consumers and society and be in line with the accepted principles of fair competition.

The BCAP Television and Radio Codes set out the rules that govern ads on television and radio channels licensed by Ofcom. The CAP Code covers non-broadcast media, including internet advertising (pop-up and banner ads, virals, commercial e-mails, sponsored search).

A list of relevant CAP and BCAP Code clauses are in appendices one, two and three.

2.3 Survey Objectives

The purpose of the survey was to:

- Assess compliance rates for video game ads in the national press, consumer magazines, posters, online, on TV and on the radio;
- Address the specific concerns raised by Dr Byron about whether video games were being advertised responsibly and in line with their age restrictions;
- Identify and resolve potential breaches of the CAP Code or BCAP Codes;
- Act as a deterrent to bad practice and an encouragement to good practice.

3 Methodology

3.1 Sample Method

The Compliance team used Billets Media Monitoring, an online provider of ad monitoring in the UK, to identify the ads for assessment. The sampling period ran from 1 April 2008 to 30 June 2008 and the media included national newspapers, regional newspapers, magazines, TV, radio and internet banner advertisements.

3.2 Media Examined in the Survey

We surveyed ads from 19 newspapers, 58 magazines, 76 websites, 79 TV channels, ten radio stations and four posters. Please refer to appendix five (section seven).

4 Findings

4.1 Compliance Rate

The survey sought to establish the proportion of ads for video games between 1 April 2008 and 30 June 2008 that complied with the CAP and BCAP Codes.

The Compliance team considered 241 ads, only one of which (0.4%) breached a Code; a compliance rate of more than 99%. The ad was age-rated 18 by the BBFC and was broadcast on television. The ASA had received complaints about the ad and subsequently upheld them.

The adjudication is attached in appendix four (section seven).

4.2 Rating Systems

Dr Byron recommended that the rating system for video games should be reformed, a recommendation that was reinforced by the games industry in July 2008 in a Westminster Forum, when it called upon the Government to introduce a single age-rating system for games in Europe.

Three rating systems exist for video games sold in the UK.

British Board of Film Classification (BBFC): The BBFC rates only video games that feature violence against realistic human figures. It is an offence to supply a game to anyone under the given age.

The games are rated in similar way to films, with these ratings: Universal (U), Parental Guidance (PG), 12, 15 and 18.

Pan-European Game Information (PEGI): PEGI is a voluntary system that involves each games manufacturer completing a self-assessment form about the content of its games. PEGI allocates a rating based on that assessment.

If the assessment suggests the content will result in a 16-rated or 18-rated game, the content is always examined by PEGI before the rating is given. With the remaining ratings, some games are checked by PEGI at random to ensure the self-assessments are accurate and that the right ratings are being issued.

The PEGI ratings are: 3+, 7+, 12+, 16+ and 18+. PEGI also uses content descriptors that indicate the type of content. Descriptors include violence, fear and bad language.

Entertainment Software Rating Board (ESRB): ESRB is a voluntary system with a slightly different age rating system. The system involves a wider age-rating on the front of the game and a specific content descriptor on the reverse. As with the PEGI system, each games manufacturer completes a questionnaire about the content of each game and the games are allocated ratings according to that information.

The age ratings are: Early Childhood (EC), Everyone (E), Everyone 10+ (E10+), Teen (T), Mature (M), Adults Only (AO) and Rating Pending (RP). Content Descriptors include fantasy violence, intense violence and blood and gore.

Nearly all the games in the ads considered in the survey had been given an age-rating by all three systems. The ads used the age-ratings given either by the BBFC or by PEGI.

Of the 130 separate games that were advertised during the sample period, 11 (8%) had been given a rating of 18 (BBFC) or 18+ (PEGI). 48 (37%) of the games considered had the lowest rating of 3+.

Rating	No of Games	Percentage of Games
18+BBFC/18+PEGI	11	8%
15 (BBFC)/16+ PEGI	28	22%
12 (BBFC)/12 PEGI	33	25%
PG (BBFC)/7+PEGI	10	8%
U (BBFC)/3+ PEGI	48	37%

4.3 Context and Scheduling

The CAP and BCAP Codes define a child as anyone under 16 years of age. When considering whether the ads were targeted appropriately, we also considered the games rating and the context in which the ad appeared.

4.3.1 TV

The BCAP Code has a section that provides guidance on scheduling of ads that could be considered to be potentially damaging to children if wrongly scheduled.

The guidelines recommend the times an ad should be shown to avoid broadcasting to certain age groups. The guidelines suggest that any ad shown after 9.00 pm would be likely to avoid 5- to 8-year-olds and an ad shown after 11.00 pm would avoid children up to age 12. The ads viewed in the survey contained images from the games, often edited together into fast sequences. To a certain extent, the content of the ads mirrored the theme and content of the games and focused on the main character played by the gamer. Often, the gamer would play the protagonist and the ads demonstrated that by showing the images from the point of view of that character. In most instances, the depiction of fighting in the ads was stylised and fantasy-like, mirroring the images from game play. In all instances, the images in the ads were obviously computer-generated and were part of a game: fantasy as opposed to being a direct image from, or reproduction of, reality.

The audio in the ads included a mixture of music and voice-overs. The voice-overs mostly described the game, the characters and the features. None of them contained language we considered was unsuitable or irresponsibly encouraged under-age viewers to play or buy the game.

Of the 55 TV ads that we considered, 52 featured a clear reference to the age-rating of the game. In most cases the rating appeared at the end of the ad and the ad featured a still image of the video game box cover. In other ads, the rating was superimposed throughout.

4.3.2 Radio

Of the games that were advertised on the radio, most had music or sports as their theme. The radio ads contained a brief description of the games and how they could be obtained. Most of the games were being advertised by music retailers to promote specific stores (on regional radio stations) or as offers in association with the radio station (give-aways and competitions).

None of the ads contained wording that we considered to be problematic or unacceptable.

We also noted that none of the ads featured a reference to the game's age-rating.

4.3.3 Press

The content of all of the print ads for video games complied with the CAP Code.

Although some of the ads included images of weapons, we considered that the characters were mostly fantasy-like and the images were not a depiction of reality and were therefore unlikely to be mistaken as such by readers. We noted that most of the ads did not feature characters involved in a violent act.

Information on the readership of publications is supplied by BRAD, a company that provides publishing data about all the magazines and newspapers published in the UK. For many, the BRAD data shows the percentage of reader age groups (15 to 24, 25 to 34, 35 to 44); for others the data is provided in the form of a simple sentence that describes the likely reader and, sometimes, the age of that reader. BRAD does not provide data on the number (or percentage) of readers under 15 years of age.

The ASA considers a publication to be attractive to children if 25% or more of its readership are under 16 years of age. Because the BRAD data does not supply anything more than a summary of readers for that age group, the ASA has to consider the content of the ads and the context of the publications in which they appeared.

We noted many of the ads for video games that were rated as 15 (BBFC) or higher were published in gaming magazines. The data according to BRAD suggests that the readership for that type of magazine is very wide and all gamers (people who play video games regularly) were likely to be interested in reading them. Although that could include some readers who are under 16 years of age, the proportion is unlikely to be as high as 25%.

The gaming magazines that carried ads for video games featured reviews and articles on games with age-ratings from U to 18 (BBFC). The images used to illustrate the articles included stills from the game footage, such as characters fighting (when that was one of the main features of the game). The depiction of the fighting seemed to vary according to the rating of the

game but when the game was rated above 15 (BBFC) the images of the fighting were more explicit.

When assessing the suitability of the ads, we considered the content of the publication in which they appeared. In all, we considered that the editorial content of the magazines contained images of violence more graphic than any of the images in the advertisements. Because of the content and context of the publications in which the ads appeared, we considered that they were unlikely to harm or offend and unlikely to be in breach of the CAP Code.

We noted that some ads placed by some supermarkets and music stores featured several games with a variety of age-ratings. We noted that 3+ (PEGI) games were advertised alongside 18 rated (BBFC) games (without displaying the ratings clearly).

Of the 110 print ads that we examined, 94 featured a clear reference to the game's rating.

4.3.4 Internet

Ads for video games appeared as banners and pop-ups on a variety of websites. Although a large number of websites were dedicated to video games and films, other sites on which the ads commonly appeared were dedicated to sport (mostly football) and 'men's interests'. Some games were being advertised on portals (such as yahoo!, hotmail and msn) and social networking sites such as myspace.

The content and appearance of the banner ads varied but they mostly consisted of text moving over still images of characters from the game.

Unlike for magazines and newspapers, no generally available visitor statistics exist for websites therefore if the content was similar to that of magazines we assumed a similar readership. For example, gaming websites are likely to have a readership similar to that of gaming magazines and 'lads mags' websites are likely to attract the same age group as the 'lads mags' magazines.

We considered that most of the websites examined in the survey were unlikely to be especially attractive to children and that the proportion of visitors under 16 years of age was unlikely to be above 25%. A few sites

in the survey are known to attract children under 16 years of age, most noticeably myspace.com. Only one ad for an 18-rated (BBFC) game appeared on that site and its content did not seem to be problematic.

The ASA is aware that the Byron Review considers the downloading of internet content, including games, to be potentially damaging. During the sample period, none of the ads advertised games as being available for download but instead invited consumers to buy them from retailers (high street or online). The ASA understands that for games available to be downloaded from the Internet, the invitations come directly from websites as opposed to paid-for advertising space (banners and pop-ups). The content of websites does not fall within the ASA's remit and so we did not consider invitations to download games as part of this survey.

It was noticeable that the banner ads did not display the game's ratings as clearly as the ads in other media in the survey. Of the 64 ads examined, 33 carried no information about the age-rating.

e) Posters

The posters that were considered in the survey appeared on billboards, bus stops and buses. Many of the games advertised on posters had the higher 18-rating (BBFC) but the content of the ads was acceptable. As with the print ads, the posters tended to feature an image of a character from the game. Although the characters were sometimes holding a weapon, it was not pointed out towards the viewer and the characters were not involved in a violent act. Again, the images of the character in the posters reflected those in the game and were mostly fantasy-like.

The locations of the posters are not known because Billets does not provide that information.

All four posters examined carried clear information about the age-rating.

4.4 Game Content

Most of the games being advertised during the sample period included fighting scenes or battle scenes as an integral part of game play. Other popular themes for games included racing (cars or motorbikes), sports or general gaming (arcade, puzzles or music games).

Of the 130 games that we examined in the survey, 78 (60%) contained an element of fighting or violence. Those games spanned the different age-ratings and the fighting scenes generally started in the 7+ rated (PEGI) games. The games with the lower-to-mid age-ratings contained more basic graphics and were noticeably fantasy-like in style. The higher age-rated games contained higher quality graphics and subsequently the images of violence seemed more realistic in the game than in the ad.

We noted that many of the games studied in the survey were set in a land of fantasy or in a future depiction of the world removed from our own reality.

4.5 Factors examined by the Compliance Team

Most of the print ads examined in the survey featured images of the main character or characters from the game. The image in many of the ads was the same as that on the game box cover. Most of the text of the ads comprised the title of the game, a tag line and an extract from reviews about the games.

Similarly, the posters featured a strong central image of a character from the game.

Although some of the ads featured images of characters with weapons, those images were stylised and fantasy-like. Nearly all the characters with the weapons were not involved in violent acts and were not featured using those weapons against another individual (or character). We considered that the images neither condoned or encouraged nor glamorised violent behaviour.

The Radio ads did not refer to characters but provided a brief description of game play, its cost and where it could be bought.

If the game had a low age-rating or the content of the game did not involve fighting, we considered the images in the ads complied with the Codes because they contained nothing that would be considered unsuitable for any audience. The TV ads featured characters from the games, sometimes using footage from the game and sometimes using higher resolution images to illustrate the game.

For most of the ads involving images of fighting or violence in which the rating was 15 (BBFC) or higher, Clearcast had given a “post 21:00” and an “ex-kids” restriction meaning that the ads must be shown only after 9.00 pm and not in or around programmes that might be of particular appeal to children. We examined those ads and found that the images were brief and stylised and unlikely to be interpreted as real by most viewers. The BCAP Code has a section that makes specific recommendations of when ads can be shown to avoid children seeing them. We noted most of the ads followed the BCAP recommendations.

The Compliance team identified two broadcast ads that caused initial concern because of the images of violence.

One of the ads contained sustained images of shooting but the violence was depicted in a stylised war scene, no character was seen being harmed and the setting was considered unlikely to be perceived as real by the viewer.

The other ad was set in more realistic situation (modern-day western society) and involved images of person-on-person fighting, but the images of violence were fleeting and were not especially graphic. We noted the game followed a popular and recent film franchise of the same name and we considered that it would be viewed as a continuation to those films.

Both ads were broadcast only after 9.00 pm and were not in or around programmes that would appeal especially to children. Taking all those factors into account, we considered that the ads were acceptable.

4.6 ASA Investigations and Complaints

The ASA investigated complaints about three ads during the survey period.

4.6.1

The ASA upheld a complaint against two Sega Europe Ltd broadcast ads for the 18-rated (BBFC) game, *Condemned 2*.

The ASA received nine public complaints about the two ads, one of which was broadcast after 9.00 pm and the other after 11.00 pm. The latter ad was an expanded version of the earlier ad, but we considered that the content of the two ads were similar.

Complainants objected that the ads condoned violence and were offensive and distressing.

The ASA considered that the ads contained brutal and graphic images of violence that were realistic in their appearance. The ASA noted in particular that both ads showed a man punching another on the floor and blood splattering on the screen as a man was beaten with a club. The ASA considered that viewers would find those scenes offensive and distressing and that the ads condoned violence and cruelty.

The ASA concluded that, despite the Clearcast timing restrictions (9.00 pm and 11.00 pm), the ads would be likely to offend and distress some viewers whenever they were shown.

The ASA upheld all four complaints. The adjudication is in appendix four (section seven).

4.6.2

The ASA published an adjudication against Take Two Interactive Europe Ltd t/a Rockstar Games in relation to a broadcast ad for Grand Theft Auto IV, an 18-rated (BBFC) game.

The ASA received 17 complaints about the ad, which featured a man walking towards the camera in front of images of cars exploding and guns being fired in the background. Complainants challenged whether the ad condoned violence and criminal behaviour and questioned whether it had been scheduled properly because it had been shown during European football matches.

The ASA considered that the character who was the focus of the ad did not engage in the background sequences and that, because they were relatively mild and fleeting, the dramatic sequences were unlikely to condone violent behaviour. The ASA accepted that although some people objected to the game, the ad was unlikely to cause serious or widespread offence by condoning violence and criminal behaviour.

The ASA also noted that most viewers for those football matches were adults and that the 7:30 pm scheduling restriction that Clearcast had given was sufficient

The ASA did not uphold the complaints. The adjudication is in appendix four (section seven).

4.6.3

The ASA published an adjudication against Electronic Arts Ltd t/a Digital Illusion Creative Entertainment.

The ASA received 12 complaints about a print ad that featured a still image from the computer game of three men in combat gear, one of whom was carrying a fictional beauty queen called Mercedes. A mock interview with Mercedes, in which she talked about her love of soldiers and explosions appeared alongside the image.

Complainants questioned whether the combination of images and words was offensive and constituted a degrading portrayal of women, whether it glamorised violence and whether it was likely to have been seen by children.

The ASA considered that the ad had depicted Mercedes as a satirical caricature of women who appear in 'lads mags' and that it was not offensive or degrading in its depiction of women. The ASA considered that the ad did not suggest that the woman had been taken by force and that the ad was unlikely to cause serious or widespread offence or condone or glamorise violence or sexual violence.

The ASA did not uphold the complaints.

The adjudication is in the appendix four (section seven).

5 Conclusions

The compliance rate of over 99% suggests that video games are being advertised responsibly and in line with the CAP and BCAP Codes and that advertisers are targeting their ads at the appropriate audience age groups.

The high compliance rate suggests that, in most instances, advertisers are sensitive to which images from the games are suitable to be used in advertisements. The advertisers of many of the games that feature fighting or violence use fantastical scenes and characters that remove the gaming experience from reality.

We concluded that the vast majority of video games seemed to be advertised responsibly and in line with the Codes.

We acknowledged that children may be exposed to unsuitable video games through other channels, such as peer group discussions on social networking sites, internet forums, in the playground, sharing of the games among friends or downloading them from dedicated gaming websites.

The Compliance team will continue to monitor video game ads to ensure a continued high level of compliance with the Code.

6 Pre-publication advice

Seeking free and confidential advice from the CAP Copy Advice team is the best way to ensure that non-broadcast marketing communications do not break the CAP Code and advertisers are urged to use that service. The dedicated and experienced team can draw on ASA research and adjudications when advising on compliance and the likely reaction of both the public and competitors. Consult the Copy Advice team on 020 7492 2100 (telephone), 020 7242 3696 (fax) or e-mail copyadvice@cap.org.uk. The team responds to almost all written enquiries within 24 hours.

Advertisers, their agencies and the media can minimise the chances of their campaign breaching the Code by using AdviceOnline, an up-to-date database of advice that informs advertisers what they can and cannot do and links users to relevant Code clauses, Help Notes and past ASA decisions. CAP encourages users to subscribe to Update@CAP, its e-mail newsletter. Both services are free and available on www.cap.org.uk.

For TV or radio pre-clearance advice, advertisers are urged to consult Clearcast (www.clearcast.co.uk) for TV ads or the RACC (www.racc.co.uk) for radio ads. Pre-clearance is an explicit requirement of the BCAP Radio Code.

7 Appendices

The CAP and BCAP Codes

Relevant Code clauses from the television, radio and non-broadcast Codes:

Appendix One

CAP Code

2.2 Principles

All marketing communications should be prepared with a sense of responsibility to consumers and to society.

5.1 Decency

(ie avoiding serious or widespread offence)

Marketing communications should contain nothing that is likely to cause serious or widespread offence. Particular care should be taken to avoid causing offence on the grounds of race, religion, sex, sexual orientation or disability. Compliance with the Code will be judged on the context, medium, audience, product and prevailing standards of decency.

9.1 Fear and distress

No marketing communication should cause fear or distress without good reason. Marketers should not use shocking claims or images merely to attract attention.

11.1 Violence and anti-social behaviour

Marketing communications should contain nothing that condones or is likely to provoke violence or anti-social behaviour.

47.1 Children

For the purposes of the Code, a child is someone under 16. The way in which children perceive and react to marketing communications is influenced by their age, experience and the context in which the message is delivered; marketing communications that are acceptable for young teenagers will not necessarily be acceptable for young children. The ASA will take these factors into account when assessing marketing communications.

47.2 Children

47.2 Marketing communications addressed to, targeted at or featuring children should contain nothing that is likely to result in their physical, mental or moral harm:

- a) they should not be encouraged to enter strange places or talk to strangers. Care is needed when they are asked to make collections, enter schemes or gather labels, wrappers, coupons and the like
- b) they should not be shown in hazardous situations or behaving dangerously in the home or outside except to promote safety. Children should not be shown unattended in street scenes unless they are old enough to take responsibility for their own safety. Pedestrians and cyclists should be seen to observe the Highway Code
- c) they should not be shown using or in close proximity to dangerous substances or equipment without direct adult supervision. Examples include matches, petrol, certain medicines and household substances as well as certain electrical appliances and machinery, including agricultural equipment
- d) they should not be encouraged to copy any practice that might be unsafe for a child.

47.12 Marketing communications addressed to or targeted at children:

- a)** should not actively encourage them to make a nuisance of themselves to parents or others and should not undermine parental authority
- b)** should not make a direct appeal to children to buy advertised products or persuade their parents or other adults to buy advertised products for them. Distance selling marketers should take care when using youth media not to promote products that are unsuitable for children

Appendix Two

BCAP Code

6.1 Offence

Advertisements must not cause serious or widespread offence against generally accepted moral, social or cultural standards, or offend against public feeling

Notes:

(1) Although no list can be exhaustive, and values evolve over time, society has shared standards in areas such as:

- (a) the portrayal of death, injury, violence (particularly sexual violence), cruelty or misfortune
- (b) respect for the interests and dignity of minorities
- (c) respect for spiritual beliefs, rites, sacred images etc
- (d) sex and nudity, and the use of offensive language. (For further information see the ITC research reports Nudity in Television Advertising and the ASA/ITC report Delete Expletives. The latter reports on attitudes to swearing and offensive language).

(2) The ASA does not judge cases simply, or even primarily, on the number of complaints received. It makes judgements about the likelihood of widespread offence as well as taking into account the possibility of deep, usually unintentional, offence to sections of the audience which have particular vulnerabilities.

(3) Particular circumstances can result in otherwise unobjectionable material causing offence. For example, a joke may cease to be acceptable if it seems to refer to a recent tragedy or if it appears close to a programme about a serious, related issue. On the other hand, if material might be on the edge of acceptability for a general audience but would be perfectly acceptable to, for example, young adults, careful scheduling in 'youth' programmes may be sufficient to avoid causing offence.

(4) Whilst commercials for media products such as CDs and videos must not mislead about their content, any extracts from the products should not cause offence.

6.2 Violence and cruelty

- (a) Advertisements must not encourage or condone violence or cruelty
- (b) Gratuitous and realistic portrayals of cruel or irresponsible treatment of people or animals are not acceptable

Notes to 6.2:

- (1) Careful judgements are needed in this area. 'Theatrical' violence (for example, the mayhem common in action/adventure films) is generally acceptable, as is violence which has a stylised 'cartoon' or slapstick quality. Problems are more likely to arise where the violence seems to take place in everyday life and to involve ordinary people. However, care should be taken to avoid giving young viewers the impression that copying wrestling, martial arts etc would be safe, harmless fun.
- (2) Advertisements must not appear to condone people using violence or aggression to get their own way in everyday life.
- (3) Jokes about or involving violence require care and will usually need to be distanced from everyday life by being, for example, in cartoon form.
- (4) Scenes which would otherwise be inappropriate may be acceptable to the audience in, for example, charity advertising or newsreel footage in advertisements for news media.
- (5) Timing restrictions are necessary for advertising featuring violence. See 7.4.6 (Distress) and 7.4.7 (Scheduling) below.

6.4 Personal distress

Advertisements must not, without good reason, contain material which is likely to cause serious distress to significant numbers of viewers

Notes:

- (1) Any appeal to fear should be justified and proportionate. Only mild material is likely to be acceptable in demonstrating, for example, the risks in not buying life insurance. More disturbing material might be acceptable in, for example, road safety advertising. See also 8.2.11(a) (re Medicines etc) and 10.14 (re Doctrinal Advertising).

(2) Scenarios which might be distressing reminders of tragic personal experiences for significant numbers of viewers should be carefully judged. For example, at any given time, many viewers will be recently bereaved.

7.1 MISLEADING ADVERTISING AND CHILDREN

Background:

(1) The ASA and BCAP are required to have special concern for the protection of children. The ASA and BCAP regard people of 15 and under as children.

(2) The rules in this Section can and should be applied flexibly, taking into account the vulnerabilities and capabilities of both the target age groups and other age groups which might see the advertising.

(3) Emulation, Fears and Misunderstandings is an ITC-commissioned independent review of research into the potential for television advertising to distress or harm children and into children's ability to understand the commercial objectives of advertising at different developmental stages.

7.3 PRESSURE TO PURCHASE

7.3.1 Direct exhortation

Advertisements must not directly advise or ask children to buy or to ask their parents or others to make enquiries or purchases

7.3.2 Unfair pressure

Advertisements must not imply that children will be inferior to others, disloyal or will have let someone down, if they or their family do not use a particular product or service

7.3.3 Children as presenters

Children in advertisements must not comment on product or service characteristics in which children their age would not usually be interested

7.3.4 Direct response

Advertisements which offer to sell products or services by mail, telephone, email, internet or other interactive electronic media must not be aimed at children

7.4 HARM AND DISTRESS

7.4.1 Mental harm

Advertisements must not contain material which could lead to social, moral or psychological harm to children

Note:

Negative or anti-social attitudes reflected in commercials may endorse similar attitudes amongst children. For example, advertisements should not:

- (a) present criminal activities in a way which is likely to condone comparable behaviour in real life. (Scenarios which are clearly comedy or drama do not generally cause problems.)
- (b) disparage education, high personal standards or caring qualities
- (c) appear to condone boorish, greedy or anti-social behaviour
- (d) present aggression as admirable or suggest it is an acceptable means of resolving problems or getting one's own way in real life.

7.4.2 Physical harm

Advertisements must not contain material which could lead to physical harm to children

Notes:

This guidance indicates particular areas of risk but is not exhaustive.

(1) Harmful emulation: Children sometimes copy dangerous or anti-social behaviour shown in advertisements. Experience and research have indicated that the following can be contributory factors:

- a) the behaviour is easy to copy (ie without special preparations)
- b) the scenario seems realistic rather than fantasy; live action rather than cartoon
- c) the behaviour and the hero are 'cool'
- d) the product or advertising appeals to the relevant age groups.

Even if no children appear in an advertisement, it may be possible for examples set by adults to encourage or condone dangerous or anti-social

behaviour by children. Experience has also shown that even advertisements with no obvious youth appeal can trigger emulation if the action itself is particularly intriguing. Care should be taken that dangerous behaviour will not be seen as a challenge or dare.

Licensees should balance the risk of the behaviour (or similar actions) actually being copied by children against how serious the consequences could be if there was emulation. Clearly, the less serious the potential consequences, the more leeway is available. For further information see Copycat Kids? an ITC-commissioned report on research into emulation risks.

(2) Safety: Advertisements must not encourage or condone potentially dangerous behaviour and should not discourage children from following established safety guidelines. The advice of relevant safety organisations should be sought where there is doubt.

Particular care should be taken with:

- a) road safety for children as pedestrians, cyclists or passengers
- b) domestic situations (where most accidents happen)
- c) medicines and chemicals, or items which could be mistaken for them
- d) dangerous machinery, fire, matches etc. (Because children may be particularly attracted to what other children are seen doing in commercials, they should not normally be shown using products which are not intended for them and which can be dangerous.)
- e) playing in or near water, or digging 'caves' in sand dunes etc. (Children have died when caves have collapsed.)

(3) Clubs: Licensees should normally obtain satisfactory evidence that children's clubs promoted in advertising are responsibly supervised.

7.4.6 Distress

Advertisements likely to cause distress to children must not be shown in children's programmes, or in programmes likely to be seen by significant numbers of younger children

Notes:

(1) Distress may be caused, particularly to younger children, by frightening material, extreme appeals to the emotions etc. However, there can be cases where a very few children, because of their individual circumstances or experiences, may be upset by material which would not affect the vast majority of children. In those cases, the ASA and BCAP would not be justified in taking action. Experience has shown that children up to four years can be upset if their feelings of security are undermined by, for example, the use of 'morphing' (computer effects) to distort real human faces grotesquely. Young children often sit close to the screen and this can magnify the impact of disturbing material.

Some children up to about ten years old may also be distressed by, for example, aggression or inter-personal violence which seems 'real'.

(2) Advertisements likely to distress children will require timing restrictions whether or not the campaign is intended for a young audience. (See 7.3.7)

7.4.7 Use of scheduling restrictions

Appropriate timing restrictions must be applied to advertisements which might harm or distress children of particular ages or which are otherwise unsuitable for them

Notes:

(1) Please also see the BCAP Rules on the Scheduling of Advertising.

(2) The following advice reflects decisions and guidance derived from past cases including those published in Ofcom Advertising Complaints Reports. The ASA and BCAP distinguishes between two kinds of advertising problem in this area:

- Inappropriate advertising – advertising which is regarded as relatively harmless but would be considered inappropriate by many parents in either children's programmes or family viewing time
- Harmful advertising – advertising (rarely encountered) which could be a direct harmful influence on children or teenagers, or could be seriously distressing to younger children.

Inappropriate advertising

The ASA and BCAP believe that parents should feel confident that they can allow even the youngest children to watch, unaccompanied, programmes made specifically for children. Excluding advertising from breaks in or around these programmes, or from children's channels, is often called an 'Ex Kids' restriction. It is a suitable restriction for advertising which is inappropriate for children up to about eight years old (as long as it is not likely to be harmful or distressing to them). Even mildly sexual or aggressive content must be excluded.

If advertising is inappropriate for children over eight, Ex Kids may not be sufficient.

The following may be useful in considering which timing restrictions are appropriate:

- Inappropriate for children under eight: Consider Ex Kids
- Inappropriate for children over eight: Consider further restriction

Harmful Advertising

When an advertisement has been tested against the rules in 7.4 and a judgement has been made that it could be a harmful influence or could cause distress to particular age groups, a more stringent restriction is required than for advertising which is simply 'inappropriate'. A restriction which will minimise the chances of those in the relevant age groups seeing the advertising is needed. (Even conscientious parents cannot, in practice, control their children's viewing of advertising because, unlike programmes which are scheduled, advertisements appear unpredictably.)

Once the difficult judgement has been made that there is a significant risk of harm or distress, the choice of an appropriate restriction can be based on children's and teenagers' viewing patterns.

In these fairly uncommon cases, the following guidance may be helpful in minimising the chance of the identified age group seeing the advertising:

- Ex Kids restriction Will avoid most children up to 4 years old
- Post 9pm restriction Will avoid most 5-8 year olds
- Later restriction (eg post 11pm) Will avoid most 9-12 year olds

Where a realistic risk of harm to those over 12 years old is perceived, consideration will need to be given to whether the advertising should be shown at all.

Making judgements

In judging the suitability of a timing restriction, the ASA and BCAP will take account of the seriousness of any potential consequences, the realistic likelihood of a problem arising, and the age of the children likely to be affected.

The ASA and BCAP acknowledge that it is not easy to predict the reactions of children of particular ages and recognise that cases must be judged on their individual merits.

Note: Specific Scheduling Restrictions

See the BCAP Rules on the Scheduling of Television Advertisements for mandatory scheduling restrictions which relate to young viewers and which apply to all advertising in the following categories:

- (a) alcoholic drinks and liqueur chocolates
- (b) condoms
- (c) lotteries, pools or bingo
- (d) matches
- (e) medicines, vitamins or other dietary supplements and including:
 - 1. advertising in any category in which children are shown having any of these products administered to them
 - 2. advertising for products which cannot easily be distinguished from a medicine or where the advertising itself could cause such confusion
- (f) merchandise based on children's programmes
- (g) personalities or other characters (including puppets etc) who appear regularly in a current or recent children's programme on any UK television channel. Restrictions apply where such characters present or endorse products or services of particular interest to children. (The restrictions do not apply to public service advertisements or to characters specially created for advertisements)
- (h) religion, faith or systems of belief
- (i) sanitary protection etc

- (j) slimming products, treatments or clinics
- (k) 15- and 18-rated films and videos.

Appendix Three

Radio Advertising Standards Code

See also Section 1, Rule 4. Licensees must exercise responsible judgements when scheduling categories of advertisement which may be unsuitable for children and younger people, for those listening to religious programmes and around sensitive programming or news items.

The station's actual audience profile according to research, rather than its target audience profile, should be taken into account when deciding whether or not advertising is suitable for the station or time of day (and see Rule 9 Good Taste, Decency and Offence to Public Feeling, below).

For the purpose of this Rule, the ASA and BCAP generally consider that children and younger people are those aged below 16 years. However, there may be exceptional circumstances when advertising messages may be targeted at those aged 12-15 (eg. anti-AIDS information or sanitary protection).

Responsibility should be exercised where advertisements or their scheduling could be perceived as insensitive because of a tragedy currently in news or current affairs programmes, for example, a commercial for an airline should be immediately withdrawn if a neighbouring news bulletin featured details of a plane crash.

9 Good Taste, Decency and Offence to Public Feeling

The Communications Act 2003, Sections 319(1)(a) and 325 require ASA and BCAP (exercising powers contracted out by Ofcom) to set and enforce standards to ensure that "generally accepted standards are applied to the content of television and radio services so as to provide adequate protection for members of the public from the inclusion in such services of offensive and harmful material".

Standards of taste are subjective and individual reactions can differ considerably. Each station is expected to exercise responsible judgements and to take account of the sensitivities of all sections of

its audience when deciding on the acceptability or scheduling of advertisements (and see Rule 8 above). For example, advertisers may make a range of advertisements which are suitable for different listeners and moods. Where research on individual stations shows that a significant number of specific listeners, such as those aged below 16 years, are present at certain times, such as at breakfast or in daytime during school holidays, stations must schedule sensitive advertisements accordingly.

In particular:

- a) offensive and profane language must be avoided;
- b) salacious, violent or indecent themes, or sexual innuendo or stereotyping likely to cause serious or general offence, should be avoided;
- c) references to minority groups should not be stereotypical, malicious, unkind or hurtful;
- d) references to religious or political beliefs should not be offensive, deprecating or hurtful, and the use of religious themes and treatments by non-religious groups should be treated with extreme care;
- e) those who have physical, sensory, intellectual or mental health disabilities should not be demeaned or ridiculed;
- f) the handling of films, plays, music tracks or websites with salacious, violent or sexual themes and/or titles requires careful consideration. Audio clips should portray the product's true nature but clips containing bad language, sexual innuendo and/or gratuitous violence should normally be avoided;
- g) humour should not be used to circumvent the intention of Code Rules.

10 Harm

Advertising must not harm listeners nor exploit, either personally or financially, their vulnerability. No advertising is acceptable from those who practise or advocate illegal or harmful, or potentially harmful behaviour.

No advertisement may encourage or condone behaviour which is harmful or prejudicial to health and safety. This does not preclude

responsible advertisements for products and services which, used to excess or abused, could endanger health or safety.

11 Children and Younger Listeners

Advertisements likely to be heard by a significant number of children (for the purpose of this Rule, those aged below 16 years, unless otherwise stated) must not include any material which might result in harm to them, whether physically, mentally or morally.

Each station's audience research information should be used to determine whether significant numbers of children are listening at any particular time.

11.1 Misleadingness

Advertisements addressed to young listeners must not exaggerate or mislead about the size, qualities or capabilities of products.

11.2 Prices

Prices of products advertised to younger listeners must not be minimised by words such as 'only' or 'just'.

11.3 Immaturity and Credulity

Advertisements must not take advantage of the immaturity or natural credulity of children.

11.4 Inferiority

Advertisements must not lead children to believe that unless they have or use the product advertised they will be inferior in some way to other children or liable to be held in contempt or ridicule.

11.5 Direct Exhortation

Advertisements must neither encourage children to pester nor directly urge children to buy products or to ask adults to buy products for them. For example, children must not be directly invited to "ask Mum" or "ask Dad" to buy them an advertiser's product.

11.6 Appeals to Loyalty

Advertisements must not take advantage of the sense of loyalty of children or suggest that, unless children buy or encourage others to buy a product or service, they will be failing in some duty or lacking in loyalty.

11.7 Distance Selling to Children

Advertisements must not invite children to purchase products by mail or telephone, including fax, email and via the Internet.

11.8 Competitions

a) References to competitions for children are acceptable provided that any skill required is appropriate to the age of likely participants, and the values of the prizes and the chances of winning are not exaggerated;

b) The published rules must be submitted in advance to the Licensee and the principal conditions of the competition must be included in the advertisement (see also Section 2, Rule 23 Competitions, Lotteries, Betting and Gaming).

11.9 Free Gifts

References to 'free' gifts for children in advertisements must include all qualifying conditions, e.g. any time limit, how many products need to be bought, how many wrappers need to be collected, etc.

11.10 Health and Hygiene

a) Advertising must not condone inappropriate health standards for children;

b) Advertising must not suggest that confectionery and snack food products may be substituted for balanced meals.

11.11 Child Voiceovers and Presentation

a) Children may take part in radio commercials, subject to all relevant legal requirements. However, they must not feature in advertisements in ways which might cause them moral harm, give concern about their welfare or be regarded as commercial exploitation;

b) Children employed in commercials must not be used to present selling messages and calls to action about products or services which are likely to be beyond their understanding or which the law prevents them from buying themselves.

The exception to this Rule may be where a child acts out a role, although particular care should be taken in these circumstances to ensure that the child actor is not exploited or morally harmed in any way (see also Section 2, Rule 9 Good Taste, Decency and Offence to Public Feeling).

11.12 Testimonials

Children must not personally testify about products and services. They may, however, give spontaneous comments on matters in which they would have an obvious natural interest.

11.13 Food and Soft Drink Advertisements and Children

On 1 July 2007, a new and important regulation governing nutrition and health claims for foods came into force. The regulation is complex and mandatory. BCAP encourages broadcasters to take advice on the effect of the regulation and to consult the Food Standards Agency's Guidance to Compliance with Regulation (EC) 1924/2006 on Nutrition and Health Claims on Foods, which is available at <http://www.food.gov.uk>

a) Promotional offers to children should be used with a due sense of responsibility. They may not be used in food or soft drink product advertisements targeted directly at pre-school or primary school children; that prohibition does not apply to advertisements for fresh fruit or fresh vegetables. Advertisements that contain promotional offers linked to food and drink products of interest to children must neither seem to encourage children to eat or drink a product only to take advantage of a promotional offer nor create a sense of urgency. If promotional offers can also be bought, that should be made clear. Closing dates for collection-based promotions should enable the whole set to be collected without having to buy excessive or irresponsible quantities of the product in a short time.

b) Licensed characters and celebrities popular with children must be used with a due sense of responsibility. They may not be used in food or soft drink product advertisements targeted directly at pre-school or primary school children; that prohibition does not apply to advertisements for fresh fruit or fresh vegetables.

This prohibition does not apply to advertiser-created equity brand characters (puppets, persons or characters), which may be used by advertisers to sell the products they were designed to sell.

Persons such as professional actors or announcers who are not identified with characters in programmes appealing to children may be used as presenters.

Licensed characters, equity brand characters or celebrities well-known to children may present factual and relevant generic statements about nutrition, safety, education and the like.

Licensed Characters are those characters that are borrowed equities and have no historical association with the product.

Equity Brand Characters are those characters that have been created by the advertiser and have no separate identity outside their associated product or brand.

Appendix Four

ASA Adjudications

Sega Europe Ltd
27 Great West Road
Brentford
Middlesex
TW8 9BW

Date: 17 September 2008
Media: Television
Sector: Leisure
Agency: Maverick Media

Number of complaints: 9

Ad

Two TV ads for 'Condemned 2', a computer game:

a) The first ad, which was cleared by Clearcast with a post 9pm restriction, showed scenes of violence including a man punching another on the floor and blood splattering on the screen as a man was beaten with a club. The scenes were filmed from the view of either the assailant or the victim. On-screen text stated " ... CONDEMNED 2 04/04/08". The ad ended with a close-up of an eye, surrounded by blood, looking through a spy hole. On-screen text stated "CONDEMNED 2 Out Now ...".

b) The second ad, which was cleared by Clearcast with a post 11pm restriction, was longer in duration. It included the same violent scenes and on-screen text but also included further scenes and a voiceover that stated "Where is former agent Thomas? He must be warned, he must know that it's not over." This time, as the characters fought, noises could be heard which seemed to express pain and the force of their exertions.

Issue

The ASA received nine complaints:

1. Most of the complainants thought ad (a) condoned violence and was offensive and distressing. One complainant said the ad was inappropriate for broadcast at any time.

2. Some of the complainants thought ad (b) condoned violence and was offensive and distressing. Two complainants said the ad was inappropriate for broadcast at any time.

Response

Sega Europe explained that 'Condemned 2' was a horror game targeted at mature consumers and had been rated by the British Board of Film Classification as suitable only for people over the age of 18. They said the ads were created to accurately reflect the sort of experience a consumer would have when playing the game. The scheduling of the ads was planned to comply with post 9pm and post 11pm timings and the ads appeared in ad breaks in programmes which Sega Europe considered most suitable for their target audience of consumers aged 18 or over. Sega Europe believed they had acted as responsibly as possible in the creating and scheduling of the ads.

Clearcast said they had noted, when clearing the ads, that the longer version showed three punches from the first person perspective and a hooded figure holding a brick aloft then bringing it down towards the camera. They had decided that the longer version needed a timing restriction of post 11pm because it contained more violence, a more sustained feeling of fear, a quicker paced cutting of scenes and more use of the first person camera than the shorter version, to which they applied a post 9pm restriction. They said the shorter post 9pm ad had fewer disturbing images and less incessant action and held less suspense than the longer version.

Clearcast argued that neither ad would cause widespread offence or condoned violence and cruelty. They felt the amount of violence shown was not gratuitous. They said, however, they had applied strong timing restrictions to the ads to keep them away from a significant number of viewers, because they believed the dark tone, frightening faces and violence could upset small children. They said they regularly approved ads for films that contained far more violence and fighting and similar dark themes and gave them equal if not lesser restrictions.

Assessment

1 & 2. Upheld

The ASA noted Clearcast's explanation of why they had applied different timing restrictions to the two ads. We considered, however, that both the post 9pm and post 11pm versions showed the same violent images of

blood, beating with clubs and punching and that, with the exception of duration, the differences between the two ads were not significant.

We noted the ads were intended to demonstrate the likely experience of a consumer playing the game. We considered, however, that the ads contained scenes of graphic and brutal violence which, although computer-generated, were realistic in appearance. We noted in particular that both ads showed a man punching another on the floor and blood splattering on the screen as a man was beaten with a club and considered viewers were likely to find those scenes offensive and distressing and to see them as condoning real violence and cruelty.

We acknowledged that Clearcast had applied timing restrictions to the ads to reduce the likelihood of offence being caused but considered that, with particular reference to the scenes described above, they were likely to offend or distress some viewers whatever time they were shown.

We concluded that the complaints could not be resolved with a timing restriction and both ads should be withdrawn from transmission completely.

The ads breached CAP (Broadcast) TV Advertising Standards Code rules 6.1 (Offence), 6.2 (Violence and cruelty) and 6.4 (Personal distress).

Action

The ads must not be broadcast again in their current form.

Take Two Interactive Software Europe
Ltd t/a Rockstar Games
Saxon House
2-4 Victoria Street
Windsor
SL4 1EN

Date: 30 July 2008
Media: Television
Sector: Leisure

Number of complaints: 17

Ad

A TV ad for the release of Grand Theft Auto IV (Cert 18) in association with Microsoft Xbox. The ad showed a man walking towards the viewer with the background scene and his clothes changing frequently. In the background there were several scenes of people firing guns and cars exploding. Towards the end of the ad, the man broke into a car by smashing the window and then drove away. The final shot featured the Xbox 360 logo and the price of the console as £159.99.

Issue

1. Ten viewers challenged whether the ad was offensive and harmful, especially to children and young people under the age of 18, because it condoned violence and criminal behaviour.
2. Seven viewers complained that the ad was scheduled inappropriately because it could be seen by children. Two viewers pointed out that the ad was shown during televised European football matches, which, they believed, were watched by audiences with a large number of children and young people.

Response

1. Rockstar Games London (Rockstar) maintained that the ad contained nothing that could cause serious offence. They believed the content of the ad was clearly fictional in that the action took place between computer generated characters and the mayhem was largely peripheral, occurring mainly in the background. Rockstar pointed out that only eight viewers complained out of an estimated total audience of 41 million. They believed the sort of action shown in the ad was no more violent than might be expected in an ad for an action film.

Rockstar pointed out that rule 6.2 of the CAP (Broadcast) TV Advertising Standards Code indicated that 'theatrical' violence, for example, the mayhem common in action/adventure films was generally acceptable. They maintained that Grand Theft Auto IV was an action videogame and should therefore be judged to similar standards. Furthermore, they believed videogames had an added degree of separation from reality because they did not feature photo realistic representations. They considered that the graphics were cartoon-like in style. Rockstar pointed out that the accompanying notes section to rule 7.4.1 stated that scenarios that were clearly comedy or drama did not generally cause problems in relation to "mental harm".

Clearcast said the ad merely focused on the hero as he walked down a street. They maintained the action in the background was cartoon like and over-the-top as a graphic representation of a popular computer game, which was in its fourth version. Clearcast acknowledged that stealing a car was a criminal act but believed its depiction in the ad was extremely unlikely to encourage emulation in viewers or cause widespread offence. Clearcast believed, had the ad been for a film, viewers would not have complained. They said numerous film ads that contained violent images had less stringent timing restrictions.

2. Rockstar said the demographic information obtained for the Manchester United versus FC Barcelona football match indicated that over approximately 89% of the audience for that match were aged over 20 and that the figure for the Glasgow Rangers versus ACF Fiorentina game was 91%. They pointed out that both matches had an overwhelmingly adult audience and, as such, it was appropriate for the ad to be shown during the ad breaks. Rockstar believed some of the viewers who complained had mistakenly understood the games with an 18 rating were prohibited from being shown before 9:00pm. They pointed out that CAP (Broadcast) Rules on Scheduling of Advertising did not contain such a prohibition.

Clearcast said the game Grand Theft Auto IV carried an 18 rating. They said they automatically gave games with 18 ratings an "ex-kids" restriction and they therefore were not shown around programmes made specifically for children. In addition there was a warning to broadcasters for sensitive scheduling because the game was available for only adults to buy. Clearcast said they took extra care with Grand Theft Auto IV ads because previous ads that contained scenes of gang fighting, car jacking and graffiti spraying had been investigated following complaints from viewers.

They had considered that the current ad contained no violent scenes and was not threatening in tone. They also believed it did not glorify the trappings of a gangster lifestyle. They had nonetheless taken a cautious approach and had given the ad a post 7:30 pm restriction.

Clearcast maintained that the football matches cited by the complainants were watched by a predominantly adult audience and pointed out that the ad breaks also featured ads for beer and other alcoholic drinks appropriate to that viewership. They said although they regretted that two viewers had complained about the ad's inclusion, they believed that that was not representative of the vast majority of the viewing public. Clearcast maintained that the post 7:30pm restriction limited the number of young people who would see the ad.

Assessment

1. Not upheld

The ASA noted the ad featured several interlinked background sequences of explosions and violence as the main character walked through the foreground to the climax where he broke into a car. We also noted the main character did not engage with the background sequences and, in any case, they did not depict inter-personal violence or graphic scenes of injury. We considered that viewers were likely to regard the background scenes as dramatic action sequences associated with the game and they were unlikely to be seen to condone violent behaviour. We also considered that the sequences shown were relatively mild and fleeting and were therefore unlikely to cause harm to children by condoning violence. Although we noted the ad's climax featured a depiction of car crime, we noted Clearcast had given the ad a post 7:30pm restriction, which reduced the number of unaccompanied children and young people who might see the ad.

We acknowledged that some viewers might object to the themes of the actual game itself. However, we concluded that the ad was unlikely to cause serious or widespread offence or harm by condoning violence and criminal behaviour.

On this point, we investigated the ad under CAP (Broadcast) TV Advertising Standards Code rules 6.1 (Offence), 6.2 (Violence and cruelty) and 7.4.1 (Harm and distress) but did not find it in breach.

2. Not upheld

We noted the Grand Theft Auto IV game carried an 18 rating and had been given a post 7:30pm restriction by Clearcast. We also noted the specific viewing figures cited by Rockstar, which indicated that, even during the football matches referred to by the complainants, adults made up the vast majority of the audiences. Furthermore, we considered that, although some viewers may object to the nature of the game, the ad itself did not feature sequences that were likely to have a direct harmful influence on children or young people. We concluded that the ad had been appropriately scheduled and the post 7:30pm restriction was sufficient.

On this point, we investigated the ad under CAP (Broadcast) TV Advertising Standards Code rule 7.4.7 (Use of Scheduling Restrictions) but did not find it in breach.

Action

No further action required.

Electronic Arts Ltd t/a Digital Illusion
Creative Entertainment
Onslow House
Onslow Street
Guildford
Surrey
GU1 4TN

Date: 1 October 2008
Media: Magazine
Sector: Leisure
Agency: Wieden & Kennedy
UK Ltd

**Number of
complaints:** 12

Ad

An ad for the computer game, "BAD COMPANY BATTLEFIELD", appeared in ShortList magazine, London Lite and thelondonpaper.

The page was divided in two. The headline in the top half stated "Meet Miss July MERCEDES PARELLADA". It featured an image of a bar stool with muddy footprints in front of it which led off to the right of the page. A transcript of an interview with 'Mercedes' was set out in a text box on the right-hand side of the page. "Age: 26 ... What kind of men do you like? I love soldiers. I love men in uniform carrying big guns, it's so hot. There is something about how they are so put together which makes me want to get them all dirty. Any hobbies? Gold, I love gold... I need a man who's loaded to fulfil my golden fantasies. There are so many things I want, like my underwear made of gold. What's your favourite book? I'm reading a book called "Lonely Soldier." It's about a soldier who falls in love with a stripper from another country while at war. Her family won't let him see her because of the war. What is a turn on? Explosions. I love it. It's just pure power. I don't like blowing things up. But I love watching a man do it. It's so hot, it's like he's saying to me, "BAM, I will destroy you lady with my explosive love." It drives me crazy. What are turn offs? Men who don't blow stuff up. What are your plans for the future? I'd love to enlist in the army. People tell me I have a sweet voice and I think I'd be a great dispatch girl. And I could meet lots of manly soldiers and see nice explosions." Text below stated "Full pictorial in next month's issue of B.C." Below was an image of the front cover of "B.C." magazine which featured 'Mercedes' as the cover girl.

The second half of the page showed a still from the computer game. The computer-generated images of three men were shown dressed in combat clothing and carrying guns; a burning building could be seen in the

background. One of the men carried 'Mercedes' in his arms; she was a woman dressed in a silver bikini. Text below stated "YOU'RE IN BAD COMPANY NOW Create your own rules. Blow up almost anything using tactical destruction. And take whatever you want with three of your closest, morally challenged friends."

The ad featured a pack shot of the game "BAD COMPANY BATTLEFIELD". The bottom left-hand corner of the page featured the rating for the game, "16+".

Issue

Twelve readers, who expressed concern that 'Mercedes' was depicted as a sex object or a "spoil of war", challenged whether the ad

1. was offensive and degrading in its portrayal of women and
2. glamorised violence and could therefore be seen to condone violence, particularly sexual violence.
3. Three readers challenged whether it was irresponsible to show the ad in a medium where it could be seen by children.

Response

1., 2. & 3. Electronic Arts (EA) said they consulted the CAP Copy Advice team in advance of publishing the ad and were advised that it was unlikely to breach the Code. EA said the ad was a parody of the features typical of lifestyle magazines and believed the accompanying text was no different to what readers might come across in a "red-top" newspaper. They thought the creative treatment of the ad was comic in tone and depicted an impossible scenario. EA believed their point was illustrated by the implication that the characters had "moved" into the spoof editorial piece on 'Mercedes' at the top of the page to collect her and brought her back to their part of the page, as well as by the juxtaposition of computer generated characters from the game interacting with a real-life model. They said the combination of those points indicated that the ad could not be seen to condone real-life violence.

ShortList Magazine said their publication was a weekly general interest magazine for men; according to their reader survey in February 2008, their average reader was aged 30. They explained that console gaming was an area of interest for their readers and said the ad appeared on the page

opposite their film, music and game review section, which they believed put the ad in context. ShortList said they received two reader complaints about the ad.

London Lite said the paper was distributed at key commuter hubs and targeted a young, urbanite London audience. They viewed the ad as a light-hearted campaign for a computer game and thought it was neither offensive or degrading to women. London Lite pointed out that the ad did not suggest that the woman had been violently treated or humiliated in any way. They felt confident that their readers would not take the ad seriously or find it offensive and reported that they had received no complaints.

thelondonpaper said they viewed the ad as a parody of men's lifestyle magazines, both in the way the ad was designed and also in the presentation of the 'Mercedes' profile/interview. They did not believe that readers would take the tone and content of the ad seriously. thelondonpaper said there was a place for satirical humour in advertising and considered that the ad stayed within the bounds of good taste.

Assessment

1. & 2. Not upheld

The ASA noted the responses of EA and the publishers. We noted the ad featured a still from a computer game, which depicted three men dressed in combat clothing. We therefore understood that they were shown with their weapons in the context of the game. We considered that the ad depicted 'Mercedes' as a materialistic 'airhead', whose interests included money and men. We considered that the stereotype was used to increase her appeal to the opposite sex. While we recognised that some readers might find the portrayal of her character offensive and degrading in its depiction of women, we considered that most readers would view it as satirical depiction of some types of women featured in "lads' mags". We noted from the interview with 'Mercedes' that the men were her 'type'. We considered therefore that there was no suggestion that she had been taken by force or against her will; we also considered that there was no suggestion of impending violence against her. We concluded that the ad was unlikely to cause serious or widespread offence or be seen to condone or glamorise violence or sexual violence.

On points (1) and (2), we investigated the ad under CAP Code clauses 5.1 (Taste and decency) and 11.1 (Violence and anti-social behaviour) but did not find it in breach.

Action

No further action necessary.

Appendix Five

List of Media Surveyed

Billets Media Monitoring captured ads for assessment from these newspapers:

- Beano
- The London Paper
- The Mail on Sunday
- News of the World
- Sunday Independent
- The Times
- Daily Express
- Daily Record
- The Daily Telegraph
- The Independent
- Irish Independent
- London Lite
- Metro
- Sunday Express
- The Sun
- Dandy
- Daily Mirror
- Daily Star
- The Guardian

from these magazines:

- 360 Gamer
- Bliss
- Craze Club
- DVD Review
- Empire
- Fast Car
- Four Four Two
- Games Master
- Girl Talk
- Jetix
- Kick
- Match
- Maxim
- Metal Hammer
- National Geographic (kids)
- Now
- Official Xbox 360
- PC Format
- Bizarre
- Closer
- Dazed and Confused
- Edge
- Evo
- FHM
- Front
- Games TM
- ID
- Kerrang
- Loaded
- Max Power
- MCV
- More
- New Musical Express
- Nuts
- OK!
- PC Zone

- Play
- Playstation World
- Radio Times
- SFX
- Shoot
- Simpsons Comic
- Stuff for Men
- Top Gear
- Top Sante
- Woman
- X360
- Playstation Official Magazine
- Prima
- Redline
- She
- Shortlist
- Spongebob Squarepants
- T3
- Top of the Pops
- Total Film
- TV Zone

from these websites:

- www.nick.co.uk
- www.uk.gamespot.com
- www.liverpoolfc.tv
- www.teamtalk.com
- www.sundaymirror.co.uk
- www.thisislondon.co.uk
- www.gamewinners.com
- www.zooweekly.com
- www.thesun.co.uk
- www.fhm.co.uk
- www.aol.co.uk
- www.mousebreaker.com
- www.flashcricket.com
- www.miniclip.com
- www.rottentomatoes.com
- www.xbox.com
- www.calculatem.com
- www.game.co.uk
- www.findarticles.com
- www.addictinggames.com
- www.pcword.com
- www.msn.com
- www.infoplease.com
- www.guitarhero.com
- www.yahoo.co.uk
- www.arsenal.com
- www.rivals.net
- www.lycos.co.uk (horoscopes)
- www.itv.com
- www.reference.com
- www.gamershell.com
- www.computerandvideogames.com
- www.gamesradar.com
- www.ivillage.co.uk
- www.letssingit.com
- www.myspace.com
- www.citv.co.uk
- www.hotmail.co.uk
- www.empireonline.co.uk
- www.amazon.co.uk
- www.handbag.com
- www.ebaumsworld.com
- www.zooweekly.com
- www.cd-wow.com
- www.lastminute.com
- www.skysports.com
- www.atlus.com
- www.play.com

- www.releaseyourrockstar.com
- www.gamestop.com
- www.racedrivergrid.com
- www.cravegames.com
- www.nintendo.com
- www.disney.co.uk
- www.mobil1racing.com
- www.virtualme.co.uk
- www.officialplaystationmagazine.co.uk
- www.xbox.com
- www.rockstargames.com
- www.bournethegame.com
- www.battleofthebandsgame.com
- www.hazegame.uk.ubi.com
- www.atari.com
- www.game.co.uk
- www.grid-game.com
- www.darksector.com
- www.deepsilver.co.uk
- www.ageofconan.com
- www.electronicarts.com
- www.playgreenhouse.com
- www.ironmanmovie.marvel.com
- www.timecrisis-4.com
- www.sega-europe.com
- www.dragonquestworlds.co.uk
- www.rainbowsixgame.com
- www.warnerbros.co.uk

from these TV stations:

- ITV
- At the Races
- Bliss
- Bravo
- Cartoon Network Too
- Channel 4
- Chart Show TV
- Crime and Investigation Network
- Dave
- Diva
- E4
- Five
- FX
- Hallmark
- ITV2
- ITV4
- Kerrang
- Animal Planet
- B4
- Boomerang
- Cartoon Network
- Challenge TV
- Channel U
- CITV
- Discovery
- DMAX
- Film 4
- Flaunt
- GMTV
- Home and Leisure
- ITV3
- Jetix
- Kiss TV
- Magic TV

- Living TV
- More 24
- Movies 24
- MTV One
- National Geographic (kids)
- Nicktoons
- Nuts TV
- Q
- Sci-fi +1
- Setanta Sports (1 and 2)
- Sky Movies Classics
- Sky Movies Drama
- Sky Real Lives
- Sky Three
- Smash Hits
- The Box
- The History Channel
- The Vault
- UKTV Drama
- UKTV Gardens
- VH1
- Virgin 1
- More4
- MTV Hits
- National Geographic
- Nick Jr
- NME TV
- Paramount
- Sci-fi
- Scuzz
- Sky Movies 1
- Sky Movies Comedy
- Sky One
- Sky Sport (1-4)
- Sky Two
- The Biography Channel
- The Hits
- UKTV
- UKTV Food
- UKTV Style
- VH1 Classic
- Xleague TV
- Zone Reality
- Zone Horror

and from these radio stations:

- Virgin AM/FM
- Galaxy Yorkshire
- Metro City
- XFM Scotland
- Imagine FM 104.9
- Kiss 100 FM
- Galaxy Birmingham
- TalkSPORT
- Heart 106.2
- Cool FM