



## **CASE REPORT**

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| 1. Complaint reference number | 549/08   |
| 2. Advertiser                 | Telstra Corporation Ltd  |
| 3. Product                    | Telecommunications   |
| 4. Type of advertisement      | Internet   |
| 5. Nature of complaint        | Discrimination or vilification Sexual preference – section 2.1 |
| 6. Date of determination      | Wednesday, 21 January 2009                                     |
| 7. DETERMINATION              | Dismissed  |

## **DESCRIPTION OF THE ADVERTISEMENT**

This internet advertisement from Telstra for the Next G Network shows four tents in a camping ground at night. Two of the men in the tents are experiencing difficulty using their phones in this location. They wonder what their friend Barry is doing and we cut to Barry's empty tent in which he has left his phone with the torch shining on it. Upon hearing his name called, Barry and another man in the last tent look up, startled. They then settle back to continue watching the cricket on the other man's phone. A voice over says: "If your network is letting you down, try the network that works better in more places - Telstra Next G." The Telstra logo then appears on screen.

## **THE COMPLAINT**

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

*This ad implies that Barry is gay, and he has been caught having gay sex in a tent. Gay men who do choose to have sex in a tent should not have to be afraid of getting 'caught' by their friends. The ad implies that being gay, or having homosexual sex is something to be ashamed of. The look on Barry's face and his friend face when they realise they have been caught is the reason we assume they are gay. This was the intention of the advertiser. The audience is then supposed to be relieved when they realise Barry is not in fact having gay sex with his friend, but instead watching football, which Telstra has implied is the 'normal' thing to do. The men and their reputations are saved. This is blatantly homophobic and very offensive.*

## **THE ADVERTISER'S RESPONSE**

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

*Nature of complaint: Discrimination or vilification sexual preference - section 2.1*

*In relation to the complaint regarding an advertisement promoting Telstra products and services, Telstra and its advertising agency BWM, do not consider the advertisement to have breached the AANA Advertiser Code of Ethics, section 2.1 and believe that it complies with that section to "not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief." Telstra is keenly aware of its social responsibilities and is committed to the upkeep of its advertising standards. Advertisements are regularly tested in research groups before production and broadcast to ensure that any misinterpretations or risks are screened, eliminated and/or minimised before delivering the final advertisement to the marketplace.*

*The advertisement aims to clearly showcase to Australia, through a camping scenario why the*

*Next G''' network really does work better in more places; the men depicted in the tent have Next coverage and because of this, are able to watch news highlights of the cricket on their mobile whilst camping. Telstra and its advertising agency rejects that the advertising is "blatantly homophobic and very offensive".*

*For these reasons we maintain that the advertisement not breach the AANA Code of Ethics.*

## **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 derogatory towards persons who are homosexual and depicted homosexual sex as shameful.

The Board considered the application of Section 2.1 of the Code, relating to discrimination and vilification.

The Board considered the advertisement made no reference to homosexuality, but rather thought the guilty looks on the men's faces related to being caught watching television on a mobile phone while on a camping trip. The Board considered that any suggestion of a relationship between the two men was subtle, meant to be humorous and did not depict the suggested relationship in any manner that would be considered vilifying of homosexual relationships.

The Board therefore determined the advertisement did not discriminate against or vilify any identifiable section of the community and found no breach of Section 2.1 of the Code.

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