



Case Report

1	Case Number	0035/11
2	Advertiser	Vodafone Network Pty Ltd
3	Product	Telecommunications
4	Type of Advertisement / media	TV
5	Date of Determination	09/02/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Age

DESCRIPTION OF THE ADVERTISEMENT

The Advertisement opens with a shot of an elderly lady polishing a cricket ball on her leg in the style of a cricketer. The voice over artist reads a statement from “John”, a Vodafone customer, who boasts “My Nan could bowl out Watson” (these words also appear on screen in quotation marks). The elderly lady (who the audience assumes is John’s “Nan”) then bowls to Shane Watson, a member of the Australian Cricket Team, as the voiceover questions “can she John, really?” After landing on the pitch, the ball bounces it’s way to Mr Watson who then picks it up with his bat and hits it out of the park, causing the few other cricketers who are watching to clap and laugh modestly. The Advertisement ends with the voiceover artist saying in a jocular fashion “maybe you meant your other Nan, mate”.

THE COMPLAINT

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

I believe children who watch this advert will get a very inaccurate impression of the abilities of older Australians and the attitude that should be displayed towards them. The woman in this advert is portrayed as stupid and physically inept which is not a true and accurate representation of older Australians. As a Welfare and Pensions officer dealing with older Australians I have found them to be physically active and mentally alert into their eighties and nineties.

Moreover Shane Watson is actually dismissed as he hits the ball twice which is not allowed under the rules of cricket.

Children listening to the sarcastic demeaning and lack of respect by the voice-over person can only engender a lack of appreciation of older Australians in the young. Children are very impressionable and when they are shown their cricketing heroes showing contempt for older Australians it is a powerful but incorrect message. For these reasons the advert should be removed Older Australians deserve to be venerated for all that they have achieved not used as props for selling telephones.

THE ADVERTISER'S RESPONSE

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

At the outset I confirm that the advertisement in question will be removed from broadcast on Australian television on the 6th February 2011 and VHA has no plans to air this commercial after that date.

The objective of the television commercial is to promote Vodafone and its sponsorship of the Australian Cricket team (no specific product or service is advertised).

VHA submits that the Advertisement is light-hearted and comical in nature and that the reasonable viewer of the commercial would neither take offence to the content of the ad, nor consider that VHA was in any way discriminating against, or vilifying, senior citizens. VHA regrets that the complainant does not share this viewpoint.

As a batsman for the Australian Cricket Team, Shane Watson is undoubtedly experienced at facing deliveries from extremely skilled bowlers. Should a normal individual (regardless of their age) face Mr. Watson in a cricket match, it is more likely than not that they would find it difficult, if not impossible, to bowl Mr. Watson out. This would be even more unlikely if the person who is bowling the ball is advanced in age and not a professional athlete. The Advertisement sought to merely showcase (in an entertaining, casual and comical manner) what would happen if the Nan of the fictional "John" really did bowl towards Mr. Watson. VHA does not consider that by merely highlighting the fact that the average senior citizen would struggle to bowl out a world class cricketer it is engaging in vilification or discrimination against elderly Australians in general. In any event, VHA submits that actual intention of the Advertisement is not to suggest that the elderly lady in the commercial is a poor bowler, but rather, to demonstrate the superior batting skills of Mr. Watson.

The complainant showed particular concern about the impact that the Advertisement may have on children's perceptions of older Australians. VHA submits that children who are capable of understanding the Advertisement would also understand that the Advertisement was only intended to showcase Mr. Watson's abilities and that, to the extent that the elderly lady in the commercial is shown as not being capable of dismissing Mr. Watson, they would appreciate that this would (in all but extreme circumstances), be the expected outcome of such an interaction.

For these reasons, VHA denies that the Advertisement portrays or depicts the elderly in a way which discriminates against or vilifies them on account of their age. Accordingly, the Advertisement does not breach section 2 of the AANA Advertiser Code of Ethics.

Further, VHA submits that given its products and services are only available to those who have reached a minimum age of 16, the Advertisement could not be considered to be aimed

or directed at minors. Accordingly, the Advertisement does not fall within the scope of the AANA Code for Advertising and Marketing Communications to Children.

Finally, as noted, I can confirm that the Advertisement will question will be removed from broadcast on Australian television on the 6th February 2011 and VHA has no plans to air this commercial after that date.

VHA would like to note that many of its existing customers are senior citizens and VHA strongly values them for the significant contributions they have made, and continue to make, to our society.

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 concerns that children who watch this advert will get a very inaccurate impression of the abilities of older Australians and that the woman in this advert is portrayed as inept and that children should not see their cricketing heroes showing contempt for older Australians.

The Board viewed the advertisement and noted the advertiser’s response

The Board considered whether the advertisement was in breach of section 2.1 of the Code. Section 2.1 of the Code states: “Advertising or Marketing Communications 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 ...age...”

The Board considered that the advertisement would be considered to be in poor taste by some people. However, the Board noted that there is a suggestion that the other grandparents may do better. The Board considered that the advertisement was an exaggerated depiction of how an older person might fare against a member of the Australian cricket team.

The Board considered that many people would find the advertisement amusing and not denigrating to older women or older people generally.

The Board determined that, in this instance, the advertisement did not depict any material that discriminated against or vilified any person or section of society on account of their age. The Board determined that the advertisement did not breach section 2.1 of the Code.

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

