



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0100-21
2. Advertiser :	Optus Communications
3. Product :	Mobile Phone or SMS
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	28-Apr-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.3 Violence

DESCRIPTION OF ADVERTISEMENT

This television advertisement features a couple speaking about the mobile service provider. The woman speaks for most of the advertisement and then asks the man to agree with her about not requiring other unwanted nonsense in their service. He agrees, but then begins to say that "a little bit of unwanted nonsense now and again wouldn't-". The woman cuts him off by saying "No Ricky". He agrees again and laughs awkwardly.

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

This sort of behavior is a legislated crime for men and should [not] be glorified as acceptable behavior for women through humor.

In this climate of awareness of abuse, and that emotional and verbal abuse is serious, this is an offensive ad.



THE ADVERTISER'S RESPONSE

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

We refer to your letter dated 15 April 2021 in relation to the Gomo Communications advertisement (Couple Advertisement).

Firstly, thank you for the opportunity to formally respond to the complaints. Singtel Optus Pty Ltd (Optus) is committed to best practice in its advertising and appreciates all consumer feedback.

THE COMPLAINTS

The two complaints received by Ad Standards allege that the Couple Advertisement portrays a woman acting in a verbally violent manner towards her husband (in contravention of section 2.3 of the Australian Association of National Advertisers Code of Ethics (Code)).

The complaints specifically reference the following issues:

- A woman exhibiting controlling behaviour over her husband by dictating what he can and cannot do or say; and*
- A woman being verbally abusive and intimidating towards her husband.*

OPTUS RESPONSE

AANA Code of Ethics\2.3 Violence\Domestic violence.

As noted above, the intention behind the Couple Advertisement was to create a comedic/funny advertisement showing an average married couple in the family home. Creating a relatable scenario which Australians could understand, be amused by, and could be used to bring across gomo's 'no nonsense' brand message.

We do not consider that the scenario depicts domestic abuse at all. Rather, it is an exaggerated take on relationships, showing a couple with contrasting personalities. "Rickie" has taken his wife's straight delivery of "Thanks to gomo mobile we get just what we need without any of that unwanted nonsense" and turned it into a playful twist. "Rickie's" wife is embarrassed when he says cheekily that he wouldn't mind "a bit of nonsense" on camera. It is "Rickie's" wife's shock and embarrassment by what Rickie says which makes her react in a sharp manner. Her response is not an attempt to silence her husband or intimidate him, but is a reflection of her conservative personality. There is no aggression in her tone or anything intimidating in her body language. At no point is there any suggestion that the wife is violent or abusive towards her husband. The husband's response is an awkward laugh, highlighting the humour of the situation.



As a brand and as part of a broader national business we would never air anything we believed made light of domestic abuse. In this advertisement, we are only exaggerating the funny difference of opinion that naturally happens in relationships.

OTHER SECTIONS OF THE CODE

Finally, we do not believe that the Couple Advertisement, in any way:

- *portrays people or depicts material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief (section 2.1)*
- *employs sexual appeal (section 2.2);*
- *presents or portrays violence (section 2.3);*
- *treats sex, sexuality or nudity with insensitivity to the relevant audience (section 2.4);*
- *uses language which is inappropriate in the circumstances (section 2.5);*
- *depicts material contrary to Prevailing Community Standards on health and safety (section 2.6); or*
- *does not clearly distinguish itself as an advertisement (section 2.7).*

Given this, we have not provided submissions on these sections of the Code.

SUMMARY

Accordingly, for the reasons set out above, we are of the view that the Couple Advertisement is compliant with, and does not breach, the Code.

As mentioned above, the Couple Advertisement (both edits) has not been aired since 28th March 2021. Optus will take into account any feedback from the Ad Standards Community Panel before rescreening the advertisement.

We thank Ad Standards for the opportunity to provide these submissions in relation to the complaints and respectfully request Ad Standards dismiss these complaints. We trust this resolves the complaints.

THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants' concerns that the woman in the advertisement is verbally abusive towards and controlling of her husband.

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



Section 2.3 Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

The Panel noted the Practice Note for this section of the Code which states “*Although the depiction of violence in an advertisement may be relevant to the story being told in the advertisement, any violence must also be justifiable in the context of the product being advertised, or else will be in breach of this section of the Code*”.

Does the advertisement contain violence?

The Panel acknowledged that domestic violence is a serious issue and is not limited to physical violence, but can also constitute verbal or emotional abuse and controlling behaviour. However, in this advertisement the Panel considered that the woman snaps at her partner in a frustrated rather than aggressive tone, and there is no indication that he feels abused, threatened or hurt by the woman’s actions. The Panel considered that there is no indication in the advertisement that the woman’s tone is a repeated behaviour. The Panel considered that a single act of snapping at a partner in a frustrated tone does not constitute domestic abuse.

The Panel the Panel noted that advertisers should use caution when depicting interactions between a couple to ensure that community standards are not breached, however considered that the interpretation that this advertisement depicts domestic violence is unlikely to be shared by most members of the community.

Section 2.3 conclusion

In the Panel’s view the advertisement did not portray violence and did not breach Section 2.3 of the Code.

Conclusion

Finding that the advertisement did not breach the Code on other grounds, the Panel dismissed the complaints.