



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0109-20
2. Advertiser :	Telstra
3. Product :	Telecommunications
4. Type of Advertisement/Media :	TV - On Demand
5. Date of Determination	25-Mar-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This TV On Demand advertisement depicts a scene of a family in a taxi in traffic. The conversation indicates they are hoping to make it to the airport in time for their flight. The father is shown to have forgotten to download a tv program for the children and is rushing to do so. The advertisement ends with the family travelling up an escalator as the children watch the program on the phone.

THE COMPLAINT

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

Once the father had downloaded the content on his phone, they were seen in the airport. The daughters are both watching the program whilst on the escalator. Escalators are dangerous, and users should proceed with care when riding on them.

The advertisement is normalising careless behaviour on escalators, which could influence others to do the same, which inturn could cause them to injure themselves by not exercising appropriate care and diligence.

Safe Usage Guidelines from Otis, one of the main producers of escalators, see link: (<https://files.otis.com/otis/es/cl/contentimages/Escalator%20safe%20usage.pdf>), state that when using an escalator "Pay attention to the moving walkway—don't be



distracted by your surroundings" and "Parents, make sure children ride in a proper manner". Both of these guidelines are being breached in the advertisement.

According to the National Centre of Biotechnology Information, see link: (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3628462/>) 10,000 people a year are hospitalised in the United States for escalator injuries. When on an escalator, you must remain fully alert.

THE ADVERTISER'S RESPONSE

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

I refer to your letters attaching complaints received by Ad Standards about Telstra's recent 5G Network Advertisement.

Telstra ('We') is a voluntary member of the Advertising Standards Board and we take community standards very seriously. We take a lot of care to ensure that the preparation and publishing of our advertising material is not just compliant with the AANA Advertiser Code of Ethics ('Code') but that we set an industry standard.

We have set out below responses to each of the relevant sections of the Code to assist with your consideration of the advertisement under complaint at your upcoming meeting. We have also included, in attachment, the information requested in your letter. Our belief is that the complaints refer only to an alleged breach of clause 2.6 of the Code and therefore, the other sections referenced are only addressed in brief.

In short, we believe that this advertisement does not breach any of the advertising standards referenced.

Telstra 5G Network Advertisement:

This advertisement is a 30 second spot that features our 5G network technology. It does this with a narrative following a family heading to the airport in order to go on holiday. The advertisement shows the dilemma of keeping the family's children entertained while on flight. Knowing that devices will need to be in "flight mode" during the flight and standard streaming options will not be available, the father quickly downloads episodes of the children's favourite show for their viewing for the children to view during the flight. The advertisement ends with the family moving through the airport on an escalator, the children directly in front of their parents holding up a smartphone.

2.1 - Discrimination or vilification

2.2 - Exploitative or degrading

2.3 - Violence

2.4 - Sex/sexuality/nudity S/S/N

2.5 - Language.



2.7 - Distinguishable as advertising

This advertisement does not in any way discriminate, exploit, degrade or depict material which vilifies a person or section of the community.

There is no violence in this advertisement, nor any depiction or inference of sex, sexuality or nudity. Neither the voiceover nor actors use any strong language.

Furthermore, the communication is clearly an advertisement showcasing a benefit of Telstra's 5G network and consumers would be well aware that Telstra is promoting the benefit of being a Telstra customer.

2.6 - Health and Safety Unsafe Behaviour, within prevailing Community Standards: The complaints allege the advertisement encourages careless behaviour in children in respect of riding escalators. Telstra rejects the notion that the advertisement depicts behaviour contrary to Prevailing Community Standards on health and safety for riding an escalator.

We have not been able to identify an Australian law or regulation governing the riding of escalators. Therefore, in order to ascertain any community standard established for escalator riding, we have taken the view that observed common behaviours by the community are indicative of the prevailing community standard.

It is our contention that it is not unusual to observe members of the public interacting with their electronic devices while riding escalators in sensible and safe ways – particularly on the middle stretch of an escalator where there is no action required of the person. Therefore, in our view, there is no breach of identifiable prevailing community standard in respect of elevator riding.

It is also not unusual for escalators to have advertising on the sides of the escalator in order to market to consumers while they use it. If operators of escalators endorse such advertising for consumers consumption, then the use of a phone in the same area is consistent with this.

While the safety of children is paramount, we do not believe this ad encourages unsafe behaviour by children. The parents are immediately behind their children watching them closely for safety and facing the direction the elevator is travelling in. It is notable that parents are well placed to monitor and assist their children if needed.

Furthermore, the family members are each depicted holding the escalator railing in a safe, sensible and secure manner. The family are approximately midway through the escalator ride and therefore not yet near the top of the escalator where the family will transition from the moving stairs to solid ground. If the total escalator ride were to be depicted, Telstra would have scripted the device being put away for the transition. However, this is unnecessary as our published advertisement clearly depicts only a midway portion of the ride where there are no such concerns.



Lastly, the scene featuring the escalator is approximately 2 seconds of footage in the 30 second ad and the action of riding the escalator is not in a central part of the advertisement, nor in the context of the ad, is the scene an endorsement or promotion of any particular etiquette or behaviour for escalator riding. It is merely re-creating a very common occurrence capable of being observed in day-to-day life in contemporary Australia

We trust the above will allow Ad Standards to resolve this matter.

THE DETERMINATION

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

The Panel noted the complainant's concern that the advertisement depicts behaviour on an elevator which is unsafe and which could result in injury if copied.

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

The Panel considered whether the advertisement complied with Section 2.6 of the Code. Section 2.6 of the Code states: "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety".

The Panel noted the advertiser's response that there is no law surrounding use of devices on escalators, and observed common behaviours would be the prevailing community standards which this advertisement is in line with.

The Panel considered that the scene depicting the family on the elevator was only brief and was not the focus of the advertisement. The Panel considered that the scene depicted the family as being half-way up the escalator and did not show how they stepped on or off the escalator.

The Panel considered that all four family members were shown holding onto the handrail of the escalator. The Panel considered that while the two children were seen look at their phone, their parents were directly behind them and were not looking at the device.

The Panel considered that the issue of people watching their devices and not paying attention to their surroundings (eg: while crossing the road) is an emerging issue that raises safety concerns. However in the current advertisement the scene depicted behaviour which in the Panel's view would not be considered to be against prevailing community standards on safety particularly as the children are under adult supervision and the adults appear to be paying attention.



The Panel considered that the advertisement did not contain material which would be contrary to Prevailing Community Standards on health and safety and determined that it did not breach Section 2.6 of the Code.

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.