



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0122-20
2. Advertiser :	Apple
3. Product :	Entertainment
4. Type of Advertisement/Media :	TV - On Demand
5. Date of Determination	8-Apr-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This TV On Demand advertisement has two versions.

30sec – The advertisement begins with a young woman putting in her earpods as she walks along a footpath crowded with people. A tone is heard and the scene changes from a hectic day-time world to a quieter, empty version of the same street. The new scene is set at night, with neon lights - the actor is wearing much brighter clothes and dances in a choreographed and stylised manner. The tone is heard again and the scene changes back to real life as the woman buys a pen. The tone is heard again and she continues dancing. The tone is heard again and the scene changes to the woman getting on a bus and thanking the driver. The advertisement ends with the text “Transparency Mode”, “Active Noise Cancellation”, “AirPods Pro” and the Apple logo.

15sec – The advertisement begins with a young woman putting in her earpods as she walks along a footpath crowded with people. A tone is heard and the scene changes from a hectic day-time world to a quieter, empty version of the same street. The new scene is set at night, with neon lights - the actor is wearing much brighter clothes and dances in a choreographed and stylised manner. The tone is heard again and the scene changes back to real life as the woman crosses a street. The tone is heard again and she continues dancing. The scene then changes between the two themes quickly as she walks. The advertisement ends with the text “AirPods Pro” and the Apple logo.



THE COMPLAINT

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

It is a completely unsafe message to young kids who are already totally distracted by mobile devices. It is encouraging kids and telling them it's OK to be completely unaware of their environment and can zone out. As a parent of 2 teenagers I am always telling them NOT to cross streets or move in traffic situations with headphones in. They need to be concious of what's happening around them.

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 letter enclosing a complaint received by Ad Standards in relation to Apple's AirPods Pro advertisement titled "Snap".

Apple takes community standards seriously in preparing and publishing all of its advertising materials and other communications in Australia and around the world. Apple is confident that the advertisement complies with the AANA Advertiser Code of Ethics (Code) and does not raise any issues under section 2 of the Code, nor does it include any images or other representations that are inconsistent with generally prevailing community standards in Australia.

"Snap" is a new ad that highlights the effortless switching between Active Noise Cancellation and Transparency mode on AirPods Pro. To telegraph this message, the ad goes back and forth from the chaos of everyday life—while in Transparency mode where outside noises are heard—and a colourfully illuminated fanciful nighttime world—while in Active Noise Cancellation where outside sounds are eliminated. The advertisement begins with a New York choreographer, dancer and actor, Matilda Sakamoto, exiting a building then walking along a footpath, crowded with people. She puts in her AirPods Pro and starts listening to "The Difference," a song by Flume featuring Toro Y Moi, in Transparency mode. Whilst she is listening to the music in Transparency mode, external sounds, including cars and sirens can be heard. She then switches to Active Noise Cancellation mode and the world around her changes from a hectic day-time world to a quieter, empty version of the same street. The new, fantasy scene is set at night, with neon lights - the actor is wearing much brighter clothes and dances in a choreographed and stylised manner. On her way to catch her bus, she switches between the two noise control modes - walking in Transparency mode and dancing in Active Noise Cancellation mode. The advertisement finishes with words "Transparency mode" on a daytime shot of the city, followed by "Active Noise Cancellation" and the backdrop switches to a night time shot of the city then the words "AirPods Pro" in daytime and the Apple logo in night time. The advertisement went live in Australia on 12 March and is scheduled to run until 28 March 2020.



The substance of the complaint is that the advertisement is an unsafe message to young kids and teenagers, encouraging them to be completely unaware of their environment. The complainant indicates that as a parent of a teenager, s/he tells them not to cross streets or move around in traffic situations with headphones in.

The advertisement does not encourage children to cross streets or move around in traffic in an unsafe manner. The actor crosses one road in the advertisement and she crosses at a clearly marked pedestrian crossing, obeying the green man (walk) signal. In the full 2:05 version of the advertisement, just before crossing the road, she clearly switches her AirPods Pro from Active Noise Cancellation mode to Transparency mode - which allows her to hear what's going on around her. She looks left and right and waits for the red man (don't walk) signal to change to a green man (walk) signal before starting to cross the road. The cars and bikes which were going past whilst the red man is visible, are no longer present when she is crossing the road - in the real life scene or in the fantasy world scene. In all versions of the advertisement (0:15, 0:30 and 2:05 versions), the green man (walk) signal and the red traffic light to stop traffic are both visible in the background whilst she crosses the road at a pedestrian crossing.

The actor is not, as the complaint alleges, unaware of her environment - she is clearly aware of her surroundings - in the 0:30 and 2:05 versions, she switches back to Transparency mode to buy a pen and when a person carrying a bike bumps into her on a pedestrian bridge. In the 0:15 second version, she switches back and forth from Transparency mode to Active Noise Cancellation mode whilst crossing the road at the pedestrian crossing and interacting with other pedestrians. The advertisement focuses on the actor's enjoyment of moving in time with the music in the fantasy world - she isn't actually dancing in real life. When she is in Active Noise Cancellation her imagination transports her to a different place but in real life we make clear that she is always acting responsibly and in line with community standards. The highly choreographed, staged dance sequence in time to the music, emphasises the unreal and fantasy nature of the neon city scape. People watching the advertisement would perceive it as a stylised music video and not as condoning unsafe behaviour. It does not depict any material contrary to prevailing community standards on health and safety and due to the highly stylised nature of the choreography used in the advertisement, we submit there is no breach of section 2.6 of the AANA Code of Ethics. In fact, at important moments where the protagonist needs to interact with another human or be attuned to her surroundings Transparency mode is turned on.

The advertisement does not raise any issues of concern to which section 2 of the Code is directed. This section and the remainder of the Code is inapplicable to the advertisements. Additionally, on a fair and proper reading, no head of standards in any other applicable code promulgated by the Bureau could reasonably be said to be engaged.

I trust that this information will assist the Community Panel in its consideration of the complaint, which Apple considers for the reasons above is without foundation having regard to the requirements of the AANA Advertiser Code of Ethics and community standards and expectations more broadly.



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 is promoting unsafe use of headphones showing people wearing headphones and not being aware of their surroundings around traffic.

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 that the advertiser response references the two minute version of the advertisement but the Panel noted it can only consider the content of the TV advertisement as it appears.

The Panel noted that the advertisement is promoting a feature of new ear pods in which users can set the level of external sound they wish to hear. The advertisement demonstrates this when the woman turns the feature on and off – so the scene changes from day to night, and from walking to dancing as a visual representation of what she can hear.

The Panel noted that the woman is shown to cross a pedestrian crossing at an appropriate time, as the red traffic light to stop traffic is visible in both the 15sec and 30sec versions, and the 30sec versions shows her crossing with many other people.

The Panel noted that pedestrian safety is an important issue in the community, and that there is increasing concern and danger to pedestrians from pedestrian distraction through behaviour such as using phones while walking and wearing headphones. The Panel agreed that it is important that advertisements not promote behaviour contrary to pedestrian messaging.

However, the Panel considered that wearing headphones is very common and that the advertisement depicts a feature of a new product that can make pedestrian behaviour less dangerous. The advertisement depicts the young woman crossing the road in accordance with the signals, and the focus of the advertisement is on the adjustable noise feature of the product visually depicting her changing out of noise cancelling mode when that is appropriate for road safety and interacting with other people.



The Panel considered that while an increasing number of people would consider a person wearing headphones while crossing the road and being in crowded public places to be unsafe behaviour, in the context of this advertisement the Panel considered that there was not unsafe behaviour depicted or encouraged.

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.