



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0203/18
2	Advertiser	Optus Communications
3	Product	Telecommunications
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	09/05/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.3 - Violence Violence
- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.6 - Health and Safety Unsafe behaviour

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement has two versions, both of which begin with a woman fanning herself before flicking her robe off and heading towards a pool and continuing with other scenes of people enjoying water. The advertisement features the song 'Ooh Wee' by Mark Robinson.

THE COMPLAINT

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

The lyrics to the song featured are very inappropriate and promote violence and are highly sexualised:

One part says:

*"...here to party, just to cut up a rug
Don't make me want to cut up a thug"*

another says:



*"Let me tell you what they say, when I'm pullin' off my drawers
They say ooooooooooh weeeee"*

One of the scenes shows a child jetty jumping.

The first issue is that it implies that children can swim by themselves

The second is that it implies that jetty jumping is a safe activity.

With the drowning levels in Australia I think it is not responsible to suggest to children that this is an activity that children can participate in.

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 in relation to a complaint received by the Panel about our 'Get Splashy' advertisement. Thank you for the opportunity to respond to the complaint. Singtel Optus Pty Ltd (Optus) is committed to ethical practice in its advertising and appreciates all consumer feedback. While Optus regrets that the complainant has interpreted the advertisement as depicting violence, sexualisation or unsafe conduct, we believe that the 'Get Splashy' advertisement is fully compliant with the Australian Association of National Advertisers Code of Ethics (Code).

While Optus respects the consumer's point of view, from the perspective of prevailing community standards, the advertisement is not violent or sexual and does not exhibit unsafe behaviour. Rather, it is a light-hearted celebration of Australia's swimming culture designed to raise awareness of water safety in conjunction with Swimming Australia (the peak governing body for competitive swimming in Australia)

APPROVALS

We confirm that the campaign advertisements received CAD approval on 28 March 2018. The advertisements and their respective CAD numbers are set out below.

33 second version – G5NY2CBA

62 second version – G5NY3CBA

The campaign was reviewed and approved by the Optus legal team, both during the scripting stage and final edit stage and Optus worked closely with Swimming Australia on the water safety aspects of the footage. During filming, all children in the water had a supervising adult within a few metres and all pools in the TVC were properly



fenced in accordance with Australian regulation.

The 'Get Splashy' campaign has appeared on social media, digital pre-roll online and the Optus Sports channels from 4 April 2018 to present. It played in-stadium at the Commonwealth Games from 4 April to 15 April and has appeared on Channel 7 from 4 April to 10 April 2018. It is scheduled to run on Channel 7 again from 26 April to 2 May 2018.

DESCRIPTION OF ADVERTISEMENT

The 'Get Splashy' campaign was developed inhouse at Optus. It is designed to communicate Optus' community partnership with Swimming Australia. This partnership was formed to provide Australian children who have a range of swimming ability levels, with safe, fun and non-competitive Optus Junior Dolphin swimming clinics to keep them active and build their skills and confidence in the water.

2.3 AND 2.4 – ALLEGATIONS OF VIOLENT AND SEXUALISED SONG LYRICS

One complaint alleged that the background music lyrics are inappropriate, promote violence and are highly sexualised. We respectfully disagree. The song charted at number 15 on the UK Singles Charts in 2003 and has been featured in the movies "Honey" and "Hitch" (both rated PG 13). It was chosen for its fun, catchy, youthful pop beat and because of its proven popularity. The easy, repetitive rhyming structure and catchy hook "ooo wee" ensure that children and parents will associate the song with having fun in the summer rather than any violent or sexual activity.

In the context of a fun community centred video these lyrics are innocent and benign. The reference to "cut up a rug" is a well-known colloquialism for dancing. The lyrics "cut up a thug" are sung very quickly and the words cannot be made out. In the context of the imagery, the lyrics "pullin' off my draws" clearly refer to getting changed in and out of swimming trunks rather than anything sexual. These lyrics overlay images of children, guardians and a lifeguard in conservative bathing suits having fun by the water. The overall impression is one of frivolity, innocence and summer fun.

2.6 – HEALTH AND SAFETY

This complainant was concerned that the imagery features an unsafe activity and implies that children can swim by themselves. In the context of other footage which shows young children swimming with floaties, pool fences and lifeguards, Optus submits the image of an older girl jumping off a jetty does not encourage unsafe water behaviour.

This footage was filmed on a jetty in an area in which the local council does not prohibit jetty jumping, the water is clear and free of obstacles and the jetty area is netted off to the ocean to encourage safe public swimming. Mosman Council provided Optus with approval to film the girl jumping from the pier.



The goal of Optus' partnership with Swimming Australia is to encourage safe swimming behaviour for children who have a range of ability levels and to build their confidence and skills in the water. Every day across Australia children jump into the water, whether it be from a diving board, a jetty or a sandbank and our Optus Junior Dolphin community partnership is designed to ensure that they do this in a safe environment and specifically promotes safe swimming at all levels of a child's ability.

Considering relevant aspects of section 2 of the Code in light of prevailing community standards, we argue that the advertisement is compliant with the Code:

- 2.1: No issues appear to arise in relation to 2.1.*
- 2.2: Optus does not believe that the advertisement promotes unsafe behaviour employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.*
- 2.3: Optus does not believe that the advertisement promotes violence in any way.*
- 2.4: Optus does not believe that the advertisement deals with sex, sexuality or nudity.*
- 2.5: Optus does not believe the language used is inappropriate in the circumstances.*
- 2.6: Optus does not believe that the advertisement promotes unsafe behaviour.*

Finally, considering the advertisement overall in light of other advertising material widely seen by the public, the advertisement can be seen as entirely acceptable by reference to prevailing community standards. It is intended to be a light-hearted celebration of summer fun in Australia, community involvement and safe swimming practices. While acknowledging differences of opinion, Optus believe that most of the community would see the advertisement as acceptable.

We trust that these comments assist the Panel in considering the 2 complaints. If we can be of any further assistance, please do not hesitate to contact us.

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 complainants' concern that the advertisement features violence, sexual references and unsafe behaviour around water.

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

The Panel noted that this television advertisement is promoting a partnership between Optus and Swimming Australia. The advertisement features various scenes of people enjoying swimming and other summer activities and included the song 'Ooh



Wee' by Mark Robinson.

The Panel considered whether the advertisement breached Section 2.3 of the Code. Section 2.3 states: "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 complainants' concern that the song in the advertisement featured inappropriate lyrics which promote violence, such as 'don't make me want to cut up a thug'.

The Panel noted the advertiser's response that the overall song is fun and in combination with the innocent imagery the lyrics are benign, and that the phrase 'cut up a thug' is sung quickly and is not easy to make out.

The Panel considered that the focus of the music in the advertisement was on the beat, and not on the lyrics and that the phrase 'cut up a thug' was not clear and was not accompanied by violent imagery.

The Panel considered the overall impression of the advertisement was about fun and happiness, and that most people viewing the advertisement would not have the impression of violence or threat.

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

The Panel then considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience".

The Panel considered that this advertisement was given a 'G' rating by CAD and that this meant that it would be viewable by a general audience, which would include children.

The Panel noted the complainant's concern that the advertisement featured highly sexualised lyrics, in particular 'let me tell you what they say, when I'm pulling off my drawers'.

The Panel noted the advertiser's response that the lyrics, in combination with the imagery, were a clear reference to getting changed in and out of swimwear and was not sexual.

The Panel considered that there was no sexualised imagery in the advertisement, and that the majority of the lyrics in the advertisement were not sexual.



The Panel considered the line ‘pulling off my drawers’ was clearly in the context of getting changed into swimwear and was consistent with the fun, summery theme of the advertisement.

The Panel considered that the advertisement did not contain sexualised themes or imagery and did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience. The Panel determined that the advertisement did not breach Section 2.4 of the Code.

The Panel considered 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 complainants’ concerns that the advertisement showed children unsupervised while swimming and implies that jetty jumping is a safe activity, which goes against community standards on water safety.

The Panel noted the advertiser’s response that the advertisement was filmed on a jetty where jetty jumping is allowed, where the water is clear, and where the area is netted off to encourage safe public swimming. In addition to this the advertiser notes that other footage shows young children swimming with floaties, pool fences and lifeguards.

The Panel noted the scene in the advertisement where a pre-teen girl approaches the end of a jetty looking nervous and excited, before jumping off into the ocean. The Panel noted that there were no other people visible on the jetty or in the water.

The Panel acknowledged that water safety is an issue of significant concern in the community.

However, the Panel considered that the actions and behaviour of the girl suggests that she is familiar with the swimming spot and knows that it is a safe place to swim.

The Panel considered the advertiser’s response that this was a safe place for the girl to swim and jetty jumping is not prohibited. The Panel considered that the girl was not participating in an unsafe activity.

The Panel noted that this scene and a number of additional scenes in the advertisement depicted scenes of children swimming where adult supervision was not shown.

The Panel noted it had recently considered another television advertisement where children were shown swimming with no visible adult supervision in case 0058/18, in



which:

“The Panel considered that the advertisement clearly showed safety features such as a pool fence and there was nothing in the advertisement which suggested that the boys were unsafe.

The Panel considered that the advertisement featured quite close frames of the boys and that the rest of the pool and pool area was not shown. The Panel considered that just because there was no adult shown in the advertisement, the overall effect of the advertisement did not suggest that the boys were unsupervised. The Panel considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety regarding pool safety.”

Consistent with the decision in case 0058/18, the Panel considered that the overall effect of the advertisement did not suggest that the girl and the other children were unsupervised. The Panel considered that the advertisement was clearly in the context of safe water behaviour and safety features such as pool fences, lifeguards and floatation devices were shown. The Panel considered that there was nothing in the children’s locations, or behaviour to suggest that they were unsupervised.

The Panel considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety regarding water safety. The Panel determined that the advertisement did not breach Section 2.6 of the Code.

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

