



Case Report

1	Case Number	0227/17
2	Advertiser	Celebrity Experience
3	Product	Employment
4	Type of Advertisement / media	Radio
5	Date of Determination	07/06/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

Advertising to Children Code 2.01 Community Standards
Advertising to Children Code 2.05 Safety

DESCRIPTION OF THE ADVERTISEMENT

This radio advertisement features a female voiceover asking, “If your kids or teens are dramatic, outgoing, funny and dream of being on TV, listen up...” She then goes on to provide information about auditions for people aged 6-22 who would like the chance to go to Hollywood and says to SMS STAR to 0427 666 222.

THE COMPLAINT

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

Young people were invited to text STAR to a mobile number. Really. No fake instruction to get your parent's permission first. The request would elicit under-aged children sharing their mobile number to someone without clear parental involvement and agency details.

THE ADVERTISER'S RESPONSE

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

The Celebrity Experience (TCE) run public auditions for aspiring actors and singers. They bring with them well known performers and industry executives from the US (including a Disney star).

Attendees have the opportunity to audition in front of the TCE team who give them feedback. There is also the opportunity presented to go to LA for a more immersive experience which includes attending auditions for real opportunities in the film and television industry in Hollywood.

The ad is primarily aimed at mothers with kids aged between 12 and 18. This is why we advertised on Mix 94.5, a station that skews towards this demographic rather than young people and kids.

The scripting does call out "Hey Kids" however the objective is not to encourage them to without permission send a text message. The texting costs no more than a normal text and the senders' mobile phone number is not collected. There is an automatic response that alerts the sender to the time of the audition and to register by email.

We have run this campaign successfully in Sydney, Melbourne, Brisbane and Newcastle without incident, in some markets several times. Notably, not one complaint has been received in any of these markets post the event itself.

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches the AANA Code for Advertising and Marketing Communications to Children (the Children's Code) or the AANA Code of Ethics ("the Code").

The Board noted the complainant's concerns that the advertisement is promoting a public audition which may encourage children to enter themselves which is unsafe.

The Board listened to the advertisement and noted the advertiser's response.

The Board considered whether the Children's Code applied.

The Board considered the definition of advertising or marketing communication. Under the Children's Code, Advertising or Marketing Communications to Children means "Advertising or Marketing Communications which, having regard to the theme, visuals and language used, are directed primarily to Children and are for Product." The Board noted that Children are defined as "...persons 14 years old or younger" and Product is defined as "...goods, services and/or facilities which are targeted toward and have principal appeal to Children."

The Board noted the advertiser's response that the advertisement is primarily aimed at mothers with children aged between 12-18 years.

The Board noted the advertisement features a female voiceover asking “if your kids are teens are dramatic, outgoing, funny and dream of being on TV, listen up...” The woman then goes on to provide information about auditions for the chance to go to Hollywood.

The Board noted the theme of the radio advertisement and considered that the advertisement is very clearly a call to action for parents and commences with the words “if your kids or teens.”

The Board noted that the advertisement used a lot of words and talking by the voiceover and did not use much music or catchy jingles. In the Board’s view the advertisement topic may be of appeal to children, but that the intended audience is adults who may have children interested in this audition.

The Board noted this was a radio advertisement and therefore did not include visuals.

Based on this, the Board considered that the advertisement was of appeal to children but was not directed primarily to children.

The Board then considered whether the advertisement meets the definition of Product. The Board noted the advertised product is an acting audition with an associated trip to Hollywood. The Board noted that the auditions are actually seeking children to audition and by its very nature considered that the product would have appeal to children.

In the Board’s view however the nature of the promotion needing adult supervision and intervention meant that the advertisement is not a product targeted towards, or of principal appeal to children.

Finding that the advertisement is not directed primarily to Children and is not a for Product For children, the Board considered the Children’s Code did not apply.

The Board then considered The Board 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 Board noted the complainant’s concern that the advertisement would encourage young children to give their phone numbers which is unsafe.

The Board noted that the advertisement was clearly targeting adults and that the nature of the competition and the inclusion of a potential trip to Hollywood was something that would require permission and involvement from an adult.

The Board noted that the advertisement did not ask children to call or make contact regarding their involvement and that the promotion of a competition and audition in this way was not of itself encouraging children to make contact without the permission of their parents or carers.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety and did not breach section 2.6 of the Code.

Finding that the advertisement did not breach the Children’s Code or the Code of Ethics the Board dismissed the complaint.

