



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0229/13</b>
<b>2</b>	<b>Advertiser</b>	<b>Sony Australia Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>House Goods Services</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>24/07/2013</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.6 - Health and Safety Within prevailing Community Standards

### DESCRIPTION OF THE ADVERTISEMENT

The advertisement contains 'home made' video clips showing people enjoying singing and dancing along to favourite songs at home, in the car, at work or in public. There is a child with headphones on standing up in a cot.

### THE COMPLAINT

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

*The ad has various people dancing with headphones on. At one point we are shown a baby in his cot with big headphones on. The music that is playing in the background, and that we might assume the headphones are playing, is a loud thrash pop song. Although the depiction of the child is cute, it is not well considered and inappropriate. Parents who are not well informed about child health may think it is okay to put headphones playing loud music on their baby. It presents a health risk to children.*

### THE ADVERTISER'S RESPONSE

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

*In response to the particular concerns which have been raised by the complainant, we would comment as follows:*

*(1) That the child is wearing headphones*

*Children wearing headphones is commonly viewed as "cute" as the complainant points out. The child is the only person in the ad who is shown wearing headphones. The Music Unlimited service is not dependent upon the use of headphones so the only reason the baby is shown wearing headphones is for humorous effect. The advertisement itself was intended to be fun, up-beat and humorous and it is within this context that the image of the child wearing headphones is shown. We strongly believe it is reasonable to expect that any such depiction would be viewed accordingly and not as an endorsement of children wearing headphones per se.*

*(2) That the child is listening to the music featured in the advertisement.*

*The advertisement is for a music streaming service that makes available millions of song titles across a wide variety of genres. There are several people shown dancing in the advertisement so it is equally feasible that they are all dancing to different music and we would expect the viewer to understand this. Indeed the titles used in the advertisement ie. - "WE KNOW WHAT WE LIKE/MUSIC UNLIMITED/The music streaming service for all of us./ At home. Online. On the go." - are intended to emphasise that the Music Unlimited service is designed to be inclusive and offer a wide variety of content for consumers to select from, and show that we understand that people have different tastes in music and that we believe different music tastes are equally valid and worth celebrating.*

*(3) The complainant expressed a concern that "parents who are not well informed about child health may think it is ok to put headphones playing loud music on their baby. "*

*As mentioned, it is reasonable to expect that the depiction of the child wearing headphones would be viewed as humorous and not as an endorsement of this activity. There are many sources of information readily available on the internet on this subject to assist a concerned parent, as well as manufacturer's guidance supplied with headphones. It is reasonable to expect that any parent would rely on such information, rather than a 30" TV advertisement.*

*(4) Period advertisement was broadcast and target audience.*

*The ad is no longer being broadcast. The advertisement was broadcast on Australian TV nationally from the w/c 2nd June through w/c 29th June. This is a long period to run a national TV campaign and during this period we note there has been one complaint.*

*Music Unlimited's buying demographic is persons aged 25-54. The advertisement programming was designed to deliver the advertisement to the demographic. (The Music Unlimited service is a subscription based music streaming service available to consumers who have registered a Sony Entertainment Network master account on-line. Master account holders must be 18 years or over.)*

### *(5) Advertising Codes*

*The advertisement does not come within the scope of the AANA's Code for Advertising & Marketing Communications to Children as the advertisement is not directed primarily at persons 14 years old or younger. No airtime was bought in children's programming as this would not have fitted with the campaign strategy. Sony Network Entertainment Europe Ltd takes its obligations as advertiser seriously, and it is our policy to ensure our advertisements, including this one, comply with all relevant advertising codes and standards.*

## **THE DETERMINATION**

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Board noted the complainant’s concerns that the advertisement depicts unsafe behaviour by putting headphones on a baby and playing loud music through them.

The Board viewed the advertisement and noted the advertiser’s response.

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 advertisement features ‘home made’ video clips showing people enjoying singing and dancing along to music at home, in the car, at work or in public. In one scene, there is a baby standing up in a cot and with headphones on bouncing up and down.

The Board noted the complainant’s concerns that parents or carers who are not informed may consider it appropriate to put headphones on a baby and play loud music. The Board noted that the overall theme of the advertisement is to reflect the joy of music and that people of all ages can and should enjoy music.

The Board noted that the headphones that the baby is wearing do not appear to have any long cords or wires that could present a strangling hazard for a young child. The Board noted that there is no volume level shown throughout the advertisement and although the style of music played in the background could be considered light rock, it is impossible to tell how loud each of the people have the music playing in the environment they are in, and that the volume

being played to the baby (if there is music at all) cannot be determined.

Based on the above the Board considered that the advertisement is not condoning or encouraging behaviour which is contrary to prevailing community standards on health and safety relating to placing headphones on babies and that the advertisement did not breach Section 2.6 of the Code.

Further finding that the advertisement did not breach the Code on any grounds, the Board dismissed the complaint.