



Case Report

1	Case Number	0231/17
2	Advertiser	Telstra Corporation Ltd
3	Product	Telecommunications
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	07/06/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.6 - Health and Safety Motor vehicle related
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The advertisement complained of is Telstra's 60 sec 'A New Kind of Network' TVC aired nationally on 2 April 2017. The TVC shows viewers Telstra's current and future capabilities, through examples of augmented reality, driverless cars, drones, holograms and the development of Internet of Things (IoT) technology.

TITLE: Thrive on a new kind of network.

THE COMPLAINT

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

Advertisement encourages dangerous driving by depicting a person in the driver's seat of a car at night that is not touching the steering wheel as the car is in motion.

This is completely contrary to the law and safe driving practices and yet is depicted as a everyday, non-controversial and safe practice.

The advertisement is clearly set in the present, not some hypothetical future time, as is made clear by its final reference to what a great time it is - present tense - to be alive.

While self-driving cars are under development, it remains the law in Australia that the driver is responsible for control of the vehicle at all times.

Under Australian law in all states, you must keep both hands on the wheel at all times - except while operating car controls such as the gearstick, and even then, one hand must remain on the wheel.

Even if the behaviour depicted was not illegal, it would still endanger life and limb on the road and be contrary to all advice given to learner drivers in this country.

THE ADVERTISER'S RESPONSE

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

The dominant theme of the advertisement, entitled "A New Kind of Network" is the potential of future applications of technology. Current applications are also featured but the theme that runs throughout is the potential of technology to create experiences that don't yet exist, or do not exist in the mainstream.

For the reasons set out below, Telstra maintains that the advertisement does not breach section 2 of the Code and in particular, clause 2.6 (which we assume is the basis on which breach of the Code is alleged, given balance of clause 2 relates to matters which do not arise in the context of the advertisement). In short, Telstra's position is that the "driverless car" scene in the advertisement is intended to depict a potential, future scenario where a network is able to control a motor vehicle without the need for human intervention. The advertisement is not intended to, and Telstra says does not, convey an impression that a driverless car is a currently available mainstream experience, or that motorists can safely pilot a vehicle without watching the road, or steering.

In more detail:

- 1. The fact the driverless car scene is not intended to depict a current-day scenario is borne out by the activation of street lights, triggered by the motion of the driverless car passing by, in the part of the advertisement immediately prior to shot where the focus is on the man in the front of the driverless car. Street lights do not activate in this way, and the depiction of them doing so is intentional, to set the scene in the future, not the present.*
- 2. The future focus of the TVC is evidenced particularly through the use of holograms and augmented reality. The narration; "Now you're talking to your granny. As a hologram" set against imagery of a child talking to a hologram, and the scene set in a café where a person is watching sport through an augmented reality application, making the players appear as three-dimensional holograms on a table, very firmly set the context of the advertisement as an exploration of future technological possibility. Equally, the narration about the chain of communication between cows, farmers, trucks and fridges (meant to bring to life the concept of the internet of things) speaks to the possible changes that technology can deliver in the future. Indeed, approximately 50% of the TVC run-time is dedicated to demonstrations of future capabilities on Telstra's 'new kind of network'. It is against this backdrop that the driverless car scene is set.*
- 3. The tagline, 'it's a magical time to be alive' does not denigrate from the TVC's future focus and does not anchor the driverless car scene in the present day as suggested in the complaint. Rather, the intention is to convey how our customers are living in a time where the possibilities technology can create are greater than ever before. It is this fast paced technological advancement, that Telstra is bringing its customers, that is 'magical'.*

Driverless cars are one such example of this future technology development.

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 features a person traveling in the driving seat of a moving car but they aren’t touching the steering wheel which is contrary to the law and to safe driving practices.

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 that this television advertisement showcases Telstra’s current and future capabilities including driverless cars.

The Board noted the scene showing a car driving itself while the driver sits back. The Board noted that the voiceover asks who is driving the car before saying, “Oh that’s right, the network is”. The Board noted the futuristic nature of the advertisement with the focus on technological advancements and possibilities for the future as Telstra’s networks expand and considered that the manner in which the driverless car is shown is in keeping with the futuristic tone of the advertisement and the focus on what might be possible in the future. The Board acknowledged that taking both hands off the steering wheel of a moving vehicle would be a breach of the Road Rules but considered that the depiction in the advertisement is clearly in the context of what might be possible in the future rather than a depiction of what you should do now.

The Board considered that the advertisement did not encourage or condone a driving practice that would breach the Road Rules or otherwise be considered unsafe and in the Board’s view the advertisement is unlikely to encourage copycat behaviour from current road users.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards and 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 Board dismissed the complaint.

