



Case Report

1	Case Number	0237/10
2	Advertiser	Vodafone Network Pty Ltd
3	Product	Telecommunications
4	Type of Advertisement / media	TV
5	Date of Determination	09/06/2010
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

An elderly gentleman walks in and takes his shoes off, revealing grey socks, before climbing onto an inflatable bouncy castle. While talking about Vodafone's new MBB Plans, he does a somersault, lands perfectly and continues bouncing. He then jumps higher and higher and at the peak of a jump looks over a neighbouring garden fence at a middle-aged man in a singlet and boxer shorts whilst continuing to talk: "You can play whenever you like, and now you can decide when it's time to stop."

He then performs unbelievable tricks, flipping and flying through the air and says: "That's the beauty of the new month to month Mobile Broadband plans from Vodafone. You can go up, (he leaps higher than ever) down, (he bounces on his back) stop (he rests on a turret) and start your plan, (he freezes in mid-air) giving you total control to do whatever suits you." He lands perfectly and steps down off the castle. Onlooking kids in party outfits are amazed and in awe. As he walks off he steals an ice-cream out of a child's hand, before ruffling his hair.

THE COMPLAINT

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

The gentleman is seen doing somersaults in the jumping castle which is the singularly most dangerous thing to do in them. This action on jumping castles is responsible for broken necks and quadriplegia. It is not to be encouraged in any way amongst children or adults..

THE ADVERTISER'S RESPONSE

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

Both ads depict that it would not only be unusual for an elderly gentleman to bounce around on an inflatable bouncy castle but fanciful for him to perform gymnastic tricks. In the 30 second ad, the children are left so amazed and in awe that the elderly gentleman is able to take an ice-cream out of a child's hand without retaliation.

The ads illustrate something important about the Australian telecommunications. Whereas before it may have been fanciful for a telecommunications provider in Australia to offer month by month MBB Plans, a major change has just occurred. Consequently, viewers should be surprised and in awe of Vodafone's new MBB Plans.

While talking about Vodafone's new MBB Plans, most of the elderly gentleman's actions involve him jumping up and down on the bouncy castle (which is not the subject of the Complaint). The Complaint concerns him performing a somersault and a twist. Those acts form a very small part of both ads, lasting about one and a half seconds. A reasonable person can tell they were performed by a professional stuntman on a closed set under controlled circumstances. Actions such as balancing on the turret of the castle, couldn't be completed in reality and this contributes to the fictional concept of liberation and freedom. Further, at no stage were any children jumping on the bouncy castle. Indeed, the 30 second ad shows them standing a safe distance from the bouncy castle.

For these reasons, VHA maintains that the ads do not encourage adults or children to perform somersaults, especially in a dangerous manner. Accordingly, these ads do not breach section 2 of the AANA Advertiser Code of Ethics.

THE DETERMINATION

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

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

The Board considered whether the advertisement was in breach of section 2.6 of the Code. Section 2.6 states: "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety".

The Board noted the complainant's concerns that the advertisement depicted unsafe behavior that could encourage children viewing the advertisement to take part in similar activities which could lead to injury.

The Board noted the advertisement was for a Mobile Broadband Plan which depicted scenes of an elderly gentleman performing a variety of tricks, such as jumps, leaps and somersaults, on a jumping castle and also noted the advertisement did not depict any of the children actually using the jumping castle. The Board considered the tricks were fanciful and unbelievable and also considered this depiction was unlikely to encourage children viewing

the advertisement to imitate the activity depicted in the advertisement. The Board therefore considered the advertisement did not depict material contrary to prevailing community standards on health and safety and found no breach of Section 2.6.

The Board considered the advertisement was not directed primarily towards children and was not for a product of principal appeal to children and therefore the AANA Code for Advertising to Children did not apply.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.