



**Ad Standards** Community Panel  
PO Box 5110, Braddon ACT 2612  
P (02) 6173 1500 | F (02) 6262 9833

**AdStandards.com.au**

Ad Standards Limited  
ACN 084 452 666

## Case Report

<b>1. Case Number :</b>	<b>0294-19</b>
<b>2. Advertiser :</b>	<b>Vodafone Hutchison Australia</b>
<b>3. Product :</b>	<b>Telecommunications</b>
<b>4. Type of Advertisement/Media :</b>	<b>TV - Free to Air</b>
<b>5. Date of Determination</b>	<b>25-Sep-2019</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

### DESCRIPTION OF ADVERTISEMENT

This television advertisement depicts a woman wearing a helmet as she rides a longboard down a hill.

### THE COMPLAINT

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

*The ad depicts a skateboarder travelling at high speed entering and exiting completely blind corners of an Australian road, not to mention even being on the wrong side of the road during these blind bends. This ad depicts illegal and highly dangerous road behaviour.*

*TVs commercial showing a girl on a skateboard going down a steep winding road. Encourages dangerous reckless behaviour*

*There was extensive vision of a skateboard rider going downhill on a public road it appears to be, and changing sides of the road at speed. This is an illegal activity that is being promoted in this advertisement. It was also shown at a time slot of breakfast tv*



*where children/young adults see this activity and will think that it is ok when it certainly is NOT!*

*Totally irresponsible showing this footage it encourages young people to take risks.*

*The irresponsibility of the TV advert. I live near a causeway which to transverse it the road winds down a steep gradient and up the other side. This particular road is used frequently by townsfolk as well as out of area people going to and from Wollongong (from Campbelltown, Camden and surrounding areas). The causeway area is also used by canoeists, a nearby camp site and swimmers. On a number of occasions skate boarders have used the road for their activities, which puts all road users at risk of injury or death (including the skateboarders). Numerous close calls with traffic have resulted as the road has a number of blind corners. Whilst I understand the "appeal" of using this particular activity to advertise speed, I fear this ad only encourages irresponsible use of (steep) public roads. A little common sense and thought would not go astray in advertising agencies. Thank you.*

*Look I thought the add was good, but after my son saw it he decided to try tackle a mountain too, he is now with skin missing off 80 percent of him, and quite a few lumps bumps and scratches, I asked him why and he said it looked so much fun. This scared me as he got the idea from your advertising, not cool to hear.*

## **THE ADVERTISER'S RESPONSE**

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

*We refer to the complaints made in connection with the 'Vodafone – Longboarder/Endless Data' Advertisement (Advertisement) (Case reference no. 0294 – 19) and thank you for the opportunity to provide a response. Vodafone Hutchison Australia Pty Ltd (Vodafone) is committed to conducting all advertising and promotions to the highest standards and we take seriously any complaints made in relation to any such advertising or promotion.*

*Having considered the Advertisement and the complaint, and the requirements of the AANA Code of Ethics (Code), we respectfully submit that the Advertisement does not in any way contravene the Code.*

*The Advertisement is one of a series of 15 second Television Commercials (TVCs) that Vodafone has produced as part of the 'Get that feeling' campaign. These TVCs include a series of events that intend to deliver on emotion and inspiration from our customers and exaggerate the feelings of joy, freedom and exhilaration that a Vodafone customer experiences with our products and services.*



*The Advertisement depicts a series of scenes demonstrating the feeling of exhilaration a customer experiences when they purchase a Vodafone mobile phone plan containing our Endless Data product. Those scenes include:*

- A woman wearing a helmet and protective clothing and riding a longboard down a hill;*
- That same woman shouting 'woo' with a smile on her face where the frame freezes, together with a voice over saying 'That feeling. That's what inspired Endless Data.'*
- The woman then continues to ride her longboard down the road whilst the product information is conveyed via both a further voice over and text on screen.*

*While we understand that the Board will review the advertisement in its entirety against Section 2, the nature of the complaint appears to relate more specifically to Section 2.6 of the Code (Health and Safety), particularly the concern of Unsafe Behavior whilst skateboard riding on the road. We submit, having regard to Section 2.6 of the Code that:*

*2.6 The Advertisement does not depict any material which is contrary to Prevailing Community Standards on health and safety, including any unsafe practices or images and accordingly, the Advertisement does not contravene Section 2.6 of the Code.*

*The Advertisement in question promotes Vodafone's Endless Data product where a customer has an included amount of data at the maximum speed the Vodafone mobile network can provide that particular customer at that time, followed by an endless amount of data at a reduced speed of up to 1.5Mbps. The Longboarder featured in this TVC is relevant to the Endless Data product to demonstrate and exaggerate the feeling of exhilaration a customer experiences by having our Endless Data product, which allows customers the joy of never having to worry about excess data charges while within Australia again.*

*As noted above, Vodafone is committed to the highest standards of safety, and as a result, we applied strict controls around the filming of the advertisement and were conscious to not promote any unsafe practices within the Advertisement. To that end, you will note that:*

- The Longboarder in the Advertisement adheres to safety standards by wearing a helmet and protective clothing;*
- The entire advertisement was shot on a road approved by the local Council for Longboarding, and conditions were closely monitored on the day to ensure that cars and pedestrians were not permitted to access the portion of the road that the Longboarder was using while filming was taking place;*
- The Longboarder is riding in daylight hours;*
- The Longboarder is not distracted and remains entirely focused on the road ahead*
- We have a prominent disclaimer that states 'Filmed in controlled circumstances.' This disclaimer was included following feedback from CAD and serves the purpose of further emphasizing to viewers that we have ensured a controlled and safe environment for the Longboard rider when riding down the hill.*



*Given the above, we do not consider that the Advertisement contravenes the Code, having regard to Section 2.6 of the Code or otherwise. Importantly, we further note that the Advertisement will be removed from air from 22 September 2019.*

*Finally, we would like to reiterate that the intention of the Advertisement is simply to demonstrate the feeling of freedom and exhilaration that a customer experiences with Vodafone products and services, more specifically the Endless Data proposition, and that at all times the Advertisement was filmed in controlled and safe circumstances.*

*Accordingly, we respectfully submit that the complaint should be dismissed.*

## **THE DETERMINATION**

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants' concerns that the advertisement depicts unsafe behaviour and encourages such behaviour.

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

The Panel considered whether the advertisement was in breach of 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 minority of the Panel considered that the woman is depicted riding on the wrong side of the road. The minority considered that the advertisement gives the impression, through the woman's exhilaration and joy, that riding at speed down a hill is positive experience. The minority considered that some children who view the advertisement may seek to imitate the behaviour, and considered that such an act would not be overly difficult for children to attempt.

The Panel noted that the woman in the advertisement is shown to be wearing safety equipment, specifically a helmet and gloves.

The Panel noted the advertiser's response that the road was closed during the filming of the advertisement, and the Panel noted that there are no other vehicles or people depicted on the road in the advertisement. The Panel noted that the inclusion of a scene in the advertisement highlighting that the road is closed would have created a greater impression of a closed road and an activity undertaken with the highest level of safety in mind.

The Panel considered that downhill longboarding is a recognised sport, and that events for the sport are typically conducted on public roads. The Panel noted that the use of sports in advertising is quite common.



The Panel noted that the Australian Road Rules contained the following provision

“240 (1) A person must not travel in or on a wheeled recreational device or wheeled toy on:

- (a) a road with a dividing line or median strip; or
- (b) a road on which the speed-limit is greater than 60 kilometres per hour; or
- (c) a one-way road with more than 1 marked lane.”

The Panel noted that wheeled recreation device is defined as “a wheeled device, built to transport a person, propelled by human power or gravity, and ordinarily used for recreation or play, and:

(a) includes rollerblades, rollerskates, a skateboard, scooter, unicycle or similar wheeled device...”

The Panel considered that the images depicted in the advertisement were consistent with the provisions of the Australian Road Rules as the vision did not indicate that the woman was travelling on a road with a dividing line or medium strip.

The Panel considered that there was no signage to indicate the applicable speed limit of the road.

The majority of the Panel considered that the advertiser took reasonable steps to clearly indicate that the activity of the woman was undertaken in accordance with the Australian Road Rules and was done so in a safe and controlled manner.

The majority of the Panel considered that the depiction of an exhilarating and potentially dangerous activity filmed under controlled conditions is not in itself promoting dangerous copycat behaviour.

Overall, the Panel considered that the advertisement did not depict material contrary to prevailing community standards on safety and did not breach Section 2.6 of the Code.

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaints.