



Case Report

1	Case Number	0313/16
2	Advertiser	Telstra Corporation Ltd
3	Product	Information Technolo
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	10/08/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Unsafe behaviour

DESCRIPTION OF THE ADVERTISEMENT

The television advertisement shows a group of people sitting in a brightly painted bus. We see the same group in a series of scenes as they start to move in time with the music playing - falling from the bus, then landing and moving to a bridge where they jump onto the roof of a moving bus and then falling forward from the roof of the bus, landing on their feet and still dancing. The words, 'The Avalanches, Wildflower' appear on the screen.

THE COMPLAINT

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

The group of people are shown

- a) jumping from a bridge onto the roof of a moving bus, and*
- b) 'standing on the roof of a moving yellow bus's and then falling forward.*

The above activities are offence under state law and present a dangerous activity that some people may replicate.

THE ADVERTISER'S RESPONSE

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

We acknowledge receipt of the complaint regarding the Apple Music/Telstra 'Avalanches' television commercial.

This advertisement utilises video creative that Telstra received from Apple Music. The Avalanches have given Apple Music the right to exclusively preview their Wildflower record in the advertisement.

We have received comment from Apple Music concerning this complaint which is detailed below:

We can confirm that the Avalanches TV commercial was creatively produced by Apple on behalf of Telstra and Apple Music. Telstra customised the TV by updating the end frames to include their logo and Apple Music offer; and cleared the TV with CAD for airing in their booked media.

The advertisement uses stylised music video content.

The advertisement shows people dancing in a yellow bus (the type of bus that is commonly used in America but not in Australia), standing on the bus and falling forward (in a very staged and unreal way) and then sees them flying horizontally through the open doors of the bus.

Because of the highly stylised nature of the music video content used in the advertisement we submit there is no breach of Section 2.6 of the AANA Code of Ethics.

The Telstra advertisement will not run from 26 July, 2016.

We have no intention to run this advertisement again in this form.

We trust this answers your concerns.

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 shows activities that are an offence and are dangerous.

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 advertiser's response that the advertisement uses stylised music video content and the act of falling forward is in a very staged and unreal way.

The Board noted that the advertisement is a music video. The Board considered the actions of

the actors to be exaggerated and unreal, and so clearly choreographed fantasy, for example the characters flying through the door of the bus and falling forward from the bus.

The Board noted that the focus of the advertisement was the actor's exuberant enjoyment of the music and considered that the highly choreographed dance sequences and coordinated group activity, in time to the music, all served to emphasize the unreal and fantasy nature of the events. The Board considered that those watching the advertisement would perceive it as a stylised music video and not as condoning unsafe behaviour. The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards.

The Board 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.