



Case Report

1	Case Number	0314/16
2	Advertiser	Lif3 Global
3	Product	Telecommunications
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	10/08/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.6 - Health and Safety Unsafe behaviour

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement is narrated by a young boy who says he read on the internet that more than 5 billion people on earth use mobile phones. He then goes on to say that his dad's job means he is always on the phone, his mum has just discovered Facebook and his big sister could definitely talk under water. We see the boy's family members as he describes their mobile phone habits and then a male voice over says that you can protect yourself from mobile phone radiation by using the advertised product.

THE COMPLAINT

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

This ad is incredibly offensive to women. We are just as technologically savvy as men - this ad portrays "mum" as someone who has just discovered a programme that 99 per cent of the non-female population have been using for years. The quote "my sister could talk underwater" is the most degrading, derogatory sexist comment I have heard on commercial television for a long time. It promotes violence against women. It says we live in a society that thinks it is ok to refer to women the same way that Eddie McGuire talked about Caroline Wilson.

We teach our students rules about the use of mobile phones at our school. They are to be

switched off and in their school bag. A large number of boys carry their phones in their pocket (shorts) and girls in their pocket (blouse). We are constantly discouraging students from carrying their phones on their person. In this advertisement the mother sticks her phone into the top of her bra.

THE ADVERTISER'S RESPONSE

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

We refer to your letter dated 2 August 2016, regarding complaints received by members of the public concerning the Lif3 Global Brand Launch TVC. The concern raised by the complainant is 'Discrimination or Vilification Gender', 'Health and Safety Unsafe Behaviour'.

Thank you for the opportunity to comment. We have considered section 2 of the AANA Advertiser Code of Ethics (the "Code") - specifically Section 2.1 of the Code which states: "Advertising or Marketing Communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief, and 2.6 which states: Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety. We have also considered Sections 2.2, 2.3, 2.4 and 2.5.

We respectfully deny the complaint pursuant to Section 2 of the Code and assert that the advertisement is not in breach of this provision or any other provision of the Code.

This television commercial depicts what the majority of Australians would consider a regular family, going about their morning routine. The line in the TVC referred to specifically by the complainant 'my sister could talk under water' is a common, colloquial Australian saying used in everyday Australian language by the majority of Australians. It is in exactly the same vein as similar, common, colloquial Australian sayings like 'talk the leg off a chair' or 'talk under wet cement'.

The majority of Australians understand this saying simply means the person being referred to talks a lot. We think prevailing Community Standards in relation to this saying in our TVC would be to consider it light-hearted humour. Whilst the commercial was filmed under strict controls and safety standards this line is a parody and pays homage to one of Australia's most widely used common, colloquial sayings.

A complainant has also made specific reference to an event involving Eddie McGuire and Caroline Wilson. We strongly assert the line 'my sister could talk under water' has absolutely no relevance to that specific event whatsoever. The script for this TVC was written months before this specific event and approved by Free TV's Commercials Advice Department.

The line 'could talk under water' is non gender specific and the majority of Australians would use this saying when referring to a male or a female equally. In our TVC the line could just have easily been used to refer to the dad, mum, boy or girl – and was purely a creative decision to assign the line to the girl to indicate she talks on her phone a lot.

We assert that the use of a line in the TVC saying 'And Mum, well she's just discovered facebook' would be considered by the majority of Australians as light hearted humour and prevailing Community Standards would see this as a deliberate exaggeration to enhance the humour and therefore effectiveness of the communication. This ad was written by a professional script writer who happens to be a woman.

The complainant has stated she doesn't personally object to our advertisement, but that it sends the wrong message to female school students. The facts are these - placing a Lif3 Smartchip onto a phone reduces the specific absorption rate of mobile phone radiation by up to 95% - essentially making a phone 95% safer to use. We do not endorse placing a phone into a woman's bra, however this is a common practise that the majority of Australians would understand and identify with - which we assert can be made safer by using a Lif3 Smartchip. Lif3 goes to great lengths throughout the production process to ensure their advertisements are not misleading or contain deceptive information or perceptions for consumers. Lif3 Global strongly believes in and adheres to the strictest standards of gender equality and advocates a zero tolerance policy towards bullying. Any perceived relationship between the line 'my sister could talk under water' in our TVC and abuse towards women is not only false, we find it ignorant and insulting.

Lif3 Global works diligently to ensure their TVC's meet with prevailing community standards and also ensures that all claims relating to material, characteristics and representations of Lif3 products are verified and accurate by working in line with the Advertising and Marketing Communications Code.

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 complainants' concerns that the advertisement is offensive toward women and presents unsafe behaviour.

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

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that "advertisements shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief".

The Board noted that the advertisement portrays a busy family environment where phones are a normal part of their lives. The Board noted the comments made by the teenage boy in relation to his mother discovering Facebook and his sister.

The Board considered that the comment about the mother, whilst it may be perceived as 'sexist' in isolation, in context was an observation by the boy about his parent. The Board considered that this was not an unusual comment as the younger generation take the use of technology and social platforms for granted and are often amazed when their parents also adopt this. The Board considered that this comment did not demean women and did not

breach Section 2.1 of the Code.

The Board considered that the comment made by the boy in relation to his sister that she could “talk underwater” was not a comment specifically about women as it is a comment that is used to describe both men and women who talk a lot. The Board considered that the idiom is a common expression used in everyday language and not generally perceived as offensive and in the context of a boy talking about an older teenage sibling was not demeaning.

The Board considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of gender.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

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 the advertisement states that the application of the Lif3 smart chip reduces radiation from a mobile phone by 95 per cent. The Board considered that there is growing community concern about radiation from phones and this product aims to address those concerns. The Board considered that it is up to the viewer to determine whether the product is of benefit to them, based on the statements made in the advertisement.

The Board noted the advertiser’s response that they do not endorse placing a phone into a woman’s bra however, note that this is a common practise that the majority of Australians would understand and identify with - which they assert can be made safer by using a Lif3 Smartchip. The Board did not consider the advertisement was condoning any particular behaviour and that the women’s actions are highlighting normal practice, which they are seeking to make safer. 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 complaints.

