



## Case Report

|          |                                      |                                 |
|----------|--------------------------------------|---------------------------------|
| <b>1</b> | <b>Case Number</b>                   | <b>0331/10</b>                  |
| <b>2</b> | <b>Advertiser</b>                    | <b>Vodafone Network Pty Ltd</b> |
| <b>3</b> | <b>Product</b>                       | <b>Telecommunications</b>       |
| <b>4</b> | <b>Type of Advertisement / media</b> | <b>TV</b>                       |
| <b>5</b> | <b>Date of Determination</b>         | <b>11/08/2010</b>               |
| <b>6</b> | <b>DETERMINATION</b>                 | <b>Dismissed</b>                |

### ISSUES RAISED

2.2 - Violence Other

### DESCRIPTION OF THE ADVERTISEMENT

The ad opens with a banner displaying the words 'A big punch in the face to big bills' (this phrase is also spoken by the voice over artist). The remainder of the advertisement is directed at the included value available with the \$49 Cap (\$450 for standard calls, SMS & more, 500MB of data and free standard national voice calls 24/7 between Vodafone and 3 customers). The Samsung Wave is prominently displayed as the "hero" handset available with this offer and terms and conditions appear at the base of the advertisement.

### THE COMPLAINT

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

*'A big punch in the face' is hardly a message that they should be using considering the number of violent attacks committed regularly. This is a very disturbing use of violence to sell targeting young people.*

*I have never complained about an ad before and will probably be written off as another 'nutty' complaints outlined in the newspaper article quoting Tim Burrows. However I feel that we should not be condoning the use of violence in this way.*

*Very offensive to relatives/friends of people who have been hit and suffered injuries.*

*The advertisement graphic and voice-over promotes and implicitly condones unnecessary violence - particularly when children and teenagers may be watching.*

*I do not expect nor appreciate the need to explain to an eight year old why a mobile phone company is wanting to punch someone in the face. The question from my son was ""why can a phone company punch someone in the face""?*

*This is not acceptable particularly given increasing violent crimes among young adults whom the ad is aimed at isn't there enough around?*

*I would appreciate your efforts in removing the advertisement with the minimum of fuss e.g. further portrayal in the print / internet media.*

*Thank you*

## **THE ADVERTISER'S RESPONSE**

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

*The purpose of the television commercial is to inform the public of the fantastic value now on offer with Vodafone's new contract caps, and to highlight the benefits which customers can enjoy should they decide to obtain a mobile service from Vodafone. VHA is keenly aware that large and unexpected mobile phone bills are a major cause for concern amongst the general Australian public. Within the Telecommunications industry, this issue is known as "bill shock" and, as the name suggests, essentially refers to the moment when customers receive their bill and are taken by surprise at the excess charges they have incurred as a result of using services which have exceeded their monthly entitlements.*

*Vodafone is concerned about the impact of Bill Shock on its customers and has responded by improving the amount of value included in its new Contract Caps (including the \$49 Cap featured in this television commercial). Importantly, these values are now more generous than has ever been the case before within the Vodafone product range. As a natural consequence of receiving greater value each month to use on the services customers typically enjoy, the likelihood of Bill Shock is lowered, and the resulting impact of any residual excess charges is also likely to be less concerning for bill recipients.*

*At no stage throughout the television commercial is there a physical depiction of violence. Further, the words "a big punch in the face to big bills" only appear on screen for 5 seconds and the voice over artist only uses this phrase once at the commencement of the commercial. The inclusion of the words "...to big bills" and "our new Caps are a knockout" makes it extremely clear to the reasonable viewer that that the message is intended to be light-hearted and fictional in nature (given bills obviously do not have a "face" and are not capable of injury in any capacity). VHA is attempting to convey to prospective customers that we have taken action against Bill Shock and have provided users with a more helpful means to stay within their Cap value, and therefore control their monthly spend on their telecommunications service. The increase Vodafone made to its Cap value was arguably dramatic, and VHA considers that this warrants a strong message to accompany the communication which directly addresses what we know is a consistently strong concern amongst Postpaid mobile phone users.*

*For these reasons, VHA maintains that the television commercial does not present or portray violence in a manner which is unjustifiable in the context of the product being advertised and*

*the purpose of the message behind the campaign. Accordingly, the ad does not breach section 2 of the AANA Advertiser Code of Ethics.*

*In addition, the complainants each raised concerns that the advertisement in question may have been targeted at “young people” and that given the nature of television, “children and teenagers may be watching”. The product being featured (the \$49 Cap) is only offered on a contract basis and is therefore only available to those who have reached the age of 18.*

*Vodafone therefore disagrees with the suggestion that this advertisement is aimed at minors. Accordingly, these ads do not fall within the scope of the AANA Code for Advertising and Marketing Communications to Children.*

## **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 depicts and condones the use of violence.

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

The Board considered whether the advertisement complied with section 2.2 of the Code which requires that advertisements ‘shall not present violence unless it is justifiable in the context of the product or service advertised.’

The Board noted that although the phrase “a big punch in the face” is heard and seen written on the screen, the actual act of punching someone in the face is not depicted. The Board also noted that the phrase ‘punch in the face’ is directed at a phone bill and not a person. The Board noted the advertiser’s response that the tone of the advertisement was meant to be a light hearted message that consumers can combat excessive phone bills, and that the advertiser was not encouraging acts of violence. The Board considered the use of this phrase as a common colloquial saying, and considered that the advertisement was not encouraging people to actually go out and punch someone.

The Board considered that the advertisement did not depict or condone violence and was unlikely to be taken as encouragement to punch any person. The Board found that the advertisement did not breach section 2.2 of the Code.

The Board noted the advertiser’s response that the advertisement is directed at bill payers who would need to be over 18, and therefore that the advertisement is not directed at children.

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

