



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0338/13</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>25/09/2013</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

- Other Other - miscellaneous
- 2.2 - Objectification Exploitative and degrading - children
- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.4 - Sex/sexuality/nudity S/S/N - sexualisation of children

### DESCRIPTION OF THE ADVERTISEMENT

The Advertisement uses a visual metaphor of the 'kidult', an adult who embraces their inner child and views a world of fun, wonder and discovery like that of a child. This is visually represented with the head of a child.

The Advertisement runs for 60 seconds and depicts a series of scenes which demonstrate how Vodafone can transform the way an adult sees the world, as though seeing the world for the first time, or through a child's eyes. In one scene we see three women with baby faces dancing in a night club.

### THE COMPLAINT

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

*Given the recent rise in paedophile reports, this is in extremely bad taste.*

*The use of babies, toddlers and children's heads being superimposed on adult bodies in adult situations such as driving a car, disco dancing etc gives me a feeling of uneasiness. It is weird and I cannot watch the ad.*

*I was incredibly offended by the part of the ad where very young children are dressed in sequinned nightclub-style outfits and walking down a street in the dark, on a night out.*

*Followed by a scene in a nightclub.*

*I strongly believe this advertisement sexualises young children.*

*It shows very young children in a light that predators can rationalise and I'm incredibly concerned about what this says about vulnerable children in our society.*

*I am amazed this was ever allowed on the television and would respectfully ask it's removed as soon as possible. It would only take one paedophile to watch the ad and think kids are fair game and 'up for 'it - specifically with that scene. It's just a disgrace.*

*Couldn't see the connection between connection of 4G and playing soccer with watermelon! It is hurting know still plenty of people around the world starving to death because there was no food available, but it doesn't mean because Australia is luckier country, we can do whatever we want with the food. Please consider other unlucky people around us! Therefore I would like if the advertising will be alter or cancel. Thank you.*

## **THE ADVERTISER'S RESPONSE**

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

### *Advertisers Response to Complaint*

*We refer to the complaints made in connection with the 'Vodafone – Discover the New' Advertisement (Advertisement) and thank you for the opportunity to provide a response.*

*We are committed to conducting all advertising and promotions to the highest standards and we take seriously any complaints made in relation to any such advertising and promotion.*

*Having considered the Advertisement and the complaints, 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 uses a visual metaphor of the 'kidult', an adult who embraces their inner child and views a world of fun, wonder and discovery like that of a child. This is visually represented with the head of a child.*

*The Advertisement runs for 60 seconds and depicts a series of scenes which demonstrate how Vodafone can transform the way an adult sees the world, as though seeing the world for the first time, or through a child's eyes. There is nothing in this or the depiction of children's heads on adult bodies generally, which is in itself a breach of any provision of the Code. The scenes in question are:*

- a male 'kidult' listening to music on his phone while dancing joyfully and with abandon, on a train;*
- a female 'kidult' car passenger looking at her phone to determine where the nearest service station is with a toilet. The male 'kidult' then jumps out of the car and runs inside to use the toilet;*
- a male and female 'kidult' running late for a flight doing a dash through an airport on a luggage trolley, while the female 'kidult' checks the flight details on her phone;*
- a male 'kidult' watching football on his phone in his lunch break;*
- three male 'kidults' watching football on a phone and then playing football with a watermelon in the street after it falls to the ground;*
- two 'kidults' playfully doing their shopping in the supermarket with their phone;*
- three female 'kidults' looking at their phone to find a street party and joining in the dancing*

as a 'kidult' DJ waves his hands in the air; and

- a male kidult pulling up to the party in a cab and looking at it in wonder through the eyes of a child.

The voice over then says "With our new lightning fast 4G, you can explore the world in a way you haven't for a long time. Discover the new. Vodafone." This is designed to convey the idea that we are empowering people (adults) to take a fresh look, see the world through the eyes of a child.

Vodafone's research shows Vodafone customers are distinctly different to our main competitors which we interpret as being more 'young at heart', 'fun loving' and 'curious' about the world and technology around them. Therefore this advertisement seeks to tap into this brand strength of Vodafone's. The 'kidults' featured are relevant to the product and the Vodafone brand by reintroducing viewers to the world of discovery and fun as they tap into their inner child. Therefore the scenes portray a fun, carefree, spirited, youthful, energetic feeling of an inner child, intended to reflect both the smartphone and the Vodafone brand. The music featured in the Advertisement was specifically chosen to support the scenes portrayed. The music contains the lyrics "I feel just like a child" and an upbeat, fun and energetic beat, intended to reflect both the smartphone and the Vodafone brand.

Further to the above, we also submit, having regard to Section 2 of the Code that:

Section 2:

2.1 for the reasons explained above, the Advertisement does 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 accordingly, the Advertisement does not contravene Section 2.1 of the Code;

2.2 for the reasons explained above, the 'kidults' featured in the Advertisement do not, nor are they intended to sexualise, objectify, exploit or degrade children in any way, nor are the 'kidults' portrayed in a manner which would treat them as objects of sexual appeal, and accordingly, the Advertisement does not contravene Section 2.2 of the Code;

2.3 the Advertisement does not contain any violent graphics or imagery, and accordingly, the Advertisement does not contravene Section 2.3 of the Code;

2.4 in addition to the reasons explained above, the overall impression created by the Advertisement is one of childish fun and not one which is sexually suggestive. The tone of the Advertisement is light-hearted, humorous and fun and is not intended to, nor does it portray any sexual conduct or conduct which might be regarded as sexual in nature. The music which is featured in the Advertisement further attests to this, with its lyrics of 'I feel just like a child'. In each scene, the 'kidults' are fully clothed, are not wearing makeup, are not posing or acting in a suggestive or sexual manner, the clothing is not provocative or inappropriate for the relevant audience. In particular, we note the complaint which relates to 'females being watched by a male from a car'. We submit that this scene is intended to portray a male 'kidult' pulling up to the party in a cab and looking at the party in wonder through the eyes of a child. Accordingly, the Advertisement does not contravene Section 2.4 of the Code;

2.5 the Advertisement features language which is innocuous, it does not feature strong or obscene language or language which is inappropriate for the relevant audience and medium, and accordingly, the Advertisement does not contravene Section 2.5 of the Code; and

2.6 in addition to the reasons explained above, the Advertisement does not depict any material which is contrary to Prevailing Community Standards on health and safety, including any unsafe practices or images. In particular, we note that in relation to the complaint regarding 'unsafe driving practices', the 'kidults' are not shown driving the car. Further, the scenes showing the 'kidult' in a cab or 'kidults' disco dancing and 'walking down a street in the dark' do not show any unsafe activities and are therefore not contrary to

*Prevailing Community Standards on health and safety, and accordingly, the Advertisement does not contravene Section 2.6 of the Code.*

*The Advertisement does not contain material which is contrary to Prevailing Community Standards. In particular, we note the complaint in relation to the scene which depicts the 'kidults' kicking the watermelon in the street. This scene depicts a healthy sporting activity in which a watermelon is used as a substitute for a football. It does not, nor is intended in any way to refer to wastage of food in the context referred to in the complaint. Accordingly, we submit that this scene is not contrary to Prevailing Community Standards.*

*Section 3.1*

*3.1 In addition to the reasons explained above, the theme, visuals and language used are intended to portray an adult feeling like a child, and not directed "primarily" (or even incidentally) to children. The Advertisement is rated PG and appears in a timeslot which is appropriate for PG in accordance with our CAD requirements. The Advertisement is promoting telecommunications products which are not "targeted toward", nor do they have "principal appeal" to, children, and accordingly, the AANA Code for Advertising & Marketing Communications to Children does not apply to the Advertisement, and we therefore make no further comment in that regard.*

*We note that Sections 3.2 and 3.3 of the Code do not apply to the Advertisement.*

*On the basis of the above, we do not consider that the Advertisement contravenes the Code, having regard to Sections 2 and 3.1 of the Code or otherwise. It has, however, always been part of our proposed advertising schedule to feature two shorter 30 second versions of the Advertisement as of 20 September 2013. We note that the section of the Advertisement that the complainants appear to hold most concern over is the scene where the three female 'kidults' attend a street party and dance along to the music. We confirm that the two 30 second versions of the advertisement do not contain this scene or the three female 'kidults'. We have attached the two 30 second versions of the Advertisement to this Complaint Response. We confirm that we do not intend to use the original 60 second Advertisement or the image of the three female 'kidults' in any future advertising.*

## **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 objectifies and sexualises children in its depiction of babies with adult bodies.

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

The Board noted the complainants' concerns that the advertisement depicts children as adults. The Board strongly considered that the clear tone and message of the advertisement is the ability for adults to behave as or feel like a child. The Board considered that the advertisement is not about children behaving as adults.

The Board considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: "Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people."

The Board noted the Practice Note to the Code of Ethics which states, “In advertisements where images of children are used, sexual appeal is not acceptable and will always be regarded as exploitative and degrading”.

The Board noted the advertisement features babies’ heads superimposed on to the bodies of adults

, and the music playing in the background includes the lyrics, “well I feel just like a child...”

The Board noted the complainants’ concerns that the use of babies’ heads on adult bodies amounts to an overall sexualisation of children, specifically in the scene where three women are walking down the street and when they are dancing.

The Board considered that the depiction of the adults with babies’ heads is intended to convey the child-like behaviour of the adults rather than the adult behaviour of young children and that whilst some members of the community may feel unease over the scene where women have the bodies of an adult but the heads of a baby and are dancing, in the Board’s view the advertisement is clearly not suggesting this is how children do or should behave but rather that adults can behave in a child-like manner. The Board noted that all the scenarios depicted in the advertisement are consistent with normal adult behaviour and considered that the images of the women walking down the street and the dancing scene in particular is not sexualised or inappropriate.

The Board considered that the advertisement does not present children as sexual beings or as having sexual appeal. The Board considered that the advertisement does not employ sexual appeal in a manner which is exploitative and degrading.

The Board determined that the advertisement did not breach Section 2.2 of the Code.

The Board considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience”.

The Board noted the advertisement had been rated ‘PG’ by CAD.

The Board noted the complainants’ concerns that the dancing scene is sexualised. A minority of the Board considered that the dancing was mildly sexualised and that the use of the babies’ heads on the women’s bodies whilst they were dancing in this manner amounted to an overall depiction that suggested sexualisation of children and that was therefore inappropriate. The majority of the Board however considered that the dancing was not sexualised, that it was simply a depiction of women dancing together. The majority of the Board considered that the images of the women dancing and walking down the street were not suggestive of, or actual depictions of, sexualised images and were not sexualised images of children.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

The Board determined that in this instance the advertisement did not breach Section 2.4 of the Code.

The Board noted the complainant's concerns about the use of a watermelon as a football and that this is inappropriate given that there are so many people in the world who are starving. The Board noted that this concern falls outside of the Code and therefore is not something the Board is able to consider.

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