



Case Report

1	Case Number	0341/11
2	Advertiser	Vodafone Network Pty Ltd
3	Product	Mobile Phone/SMS
4	Type of Advertisement / media	Pay TV
5	Date of Determination	14/09/2011
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

2.2 - Violence - Bullying

DESCRIPTION OF THE ADVERTISEMENT

A young man sitting on a chair and asking the question “What’s power to me?” The man answers that power to him is “Getting one up on my mate”. He describes in a jocular manner a text message conversation between him and his friend. His friend sent him a text message saying “your mum said hi”. The man laughs and explains his response. He takes a picture of a dog, uploads it to facebook and tags his friend’s girlfriend. The man then describes the reaction of his friend’s girlfriend “she’s not really talking to me at the moment” before remarking, “We, we don’t get on anyway”. The remainder of the Advertisement is directed at the inclusions of the Vodafone Infinite plans (when in Australia customers get infinite calls to any standard national numbers, infinite TXT to any personal mobile and infinite access to popular social networking sites) and concludes “Power to you, Vodafone”.

THE COMPLAINT

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

I particularly disliked the inference in the first half of the ad that the mate was sleeping with the young man's mother and then objected to the fact that the mate responds by taking a photo of the ugliest dog he can find and tags it as the first fellow's girlfriend and posts it on Facebook.

Vodafone needs to be more respectful of people - this isn't funny. We have just had a series of incidents in sport and elsewhere degrading people by this form of sexual innuendo and sledging. Surely it is inappropriate to use it as a means to sell a product.

THE ADVERTISER'S RESPONSE

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

VHA notes that the complaint received by the ASB is concerned with cyber bullying and the Advertisement being denigrating to women.

VHA submits that the Advertisement is light-hearted and comical in nature and that the reasonable viewer of the commercial would neither take offence to the content of the Advertisement, nor consider that VHA was in any way discriminating or vilifying women or portraying violence.

The Advertisement is intended to be a demonstration of banter between friends over text message. The theme is "one upmanship" as each man tries to get "one up" on the other to demonstrate their superiority. It is intended to be purely in jest. There is no physical violence in the Advertisement and VHA does not agree that the advertisement promotes violence or cyber bullying. The conversational and friendly way the man tells the story makes it clear that there is no intention to cause any harm to his friend's girlfriend on Facebook. In the same way the tone of the advertisement is clearly not intended to discriminate against, or vilify women.

For these reasons, VHA denies that the Advertisement presents or portrays violence, or portrays or depicts women in a way which discriminates against or vilifies them on account of their sex. Accordingly, the Advertisement does not breach section 2 of the AANA Advertiser Code of Ethics.

Finally, as noted, I can confirm that the Advertisement in question was removed from broadcast on Australian television on 19th August 2011 and VHA has no plans to air this commercial again.

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 this advertisement promotes socially inappropriate use of a social media tool, encourages cyber bullying and is denigrating to women.

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 shall not present or portray violence unless it is justifiable in the context of the product or service advertised. The Board considered that the issue of bullying is more appropriately addressed within Section 2.6 of the Code rather than Section 2.2.

The Board considered the advertisement within the context of section 2.6 of the Code which requires that advertising or marketing communications shall not depict material contrary to prevailing community standards on health and safety.

The Board first considered whether the advertisement promoted inappropriate use of the social media tool.

The Board considered that the advertisement was intended to be humorous. The Board considered however that the experience of 'cyber-bullying' was a real and current concern in Australian society and messages about bullying should not be diluted or undermined.

The minority of the Board considered that this advertisement depicts a typical 'tit for tat' competition between two male friends and that the fact that the 'girlfriend' is no longer talking to the man sends a message that his behaviour was inappropriate.

However, while the advertisement attempts to make a joke of the situation, the majority of the Board considered that the description of one man uploading a photo to Facebook without the 'tagged' person's permission and intentionally describing the person in a manner that is offensive to that person is a description of behaviour that is considered inappropriate by most members of the community.

The Board considered that there is significant social concern around appropriate online behaviour and considerable resources directed to teaching children and young adults about appropriate behaviour and how to avoid cyber bullying.

Of consideration for the Board when viewing behaviour in advertisements that may be seen to be dangerous or against community standards on health and safety, is whether or not the advertisement depicts the behaviour in a manner that condones the behaviour or shows it to be 'quirky' but nevertheless unacceptable. The Board considered that in this case the closing caption of the advertisement 'power to you, Vodafone' condones the behaviour depicted.

In the Board's view it is possible that younger people would see the advertisement as condoning or at least giving some legitimacy to the behaviour of posting images without consent and that this is a message that the community views as unacceptable.

The Board considered that this advertisement depicted material contrary to prevailing community standards on online behaviour and safety and was in breach of section 2.6 of the Code.

The Board then considered whether the advertisement depicted or promoted cyber bullying. The Board noted information provided by the Australian Communications and Media Authority (ACMA) about cyber bullying on its website CyberSmart.

In particular the Board noted that this site defines cyber bullying in the following manner.

'Cyber bullying occurs when the internet, email or mobile phones are used to deliberately and repeatedly engage in hostile behaviour to harm someone. Cyber bullying can result in those involved experiencing social, psychological and academic difficulties.

Children can cyber bully each other in a number of ways. These include:

- sending abusive texts or emails
- posting unkind messages or inappropriate images on social networking sites
- imitating others online
- excluding others online.

Children and young people can also be affected by hostile behaviour that is not cyber bullying. For example, a one off insensitive or negative remark or joke posted online, or sent by text, may not be considered cyber bullying, however it can still have a negative impact on a child.’

The Board noted that the concept of bullying generally requires three elements: an imbalance of power, an intention to harm and repetition of the behaviour or act.

The Board noted that the advertisement makes a number of references to power although it is unclear about man’s relative relationship with the girlfriend. The Board considered that the intent of the behaviour was not intentionally hostile or harmful (although it may have been of offence to the girlfriend). The Board also considered that there is no suggestion in the advertisement that the behaviour would be repeated in the required sense.

The Board considered that the behaviour depicted in the advertisement did not amount to a depiction or condoning of cyber bullying.

The Board then 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...sex, age.'

The Board noted the reference to one man spending time with the other’s mother, and the tagging of one’s girlfriend as a ‘dog’. The Board considered that the reference to the man’s mother would be considered inappropriate by some people but that overall it is a common (although tasteless) reference in use by some sections of society. Although likely to be offensive to some members of the community, the Board considered that the advertisement does not amount to discrimination or vilification of mothers or of older women. Similarly, in the Board’s view, attaching the girlfriend’s name to the photo of the dog is suggestive of him describing her as a ‘dog’ and this is generally seen as being an offensive reference to a person’s looks or personality. The Board considered however that the behaviour, while likely to be considered offensive by members of the community, does not amount to discrimination or vilification of women. The Board determined that the advertisement did not breach section 2.1 of the Code.

Finding that the advertisement breached Section 2.6 of the Code, the Board upheld the complaint.

ADVERTISER RESPONSE TO DETERMINATION

Following comments we received directly regarding the advertisement, we reviewed concerns expressed about the advertisement – which was intended to be light-hearted and to demonstrate how Vodafone customers can easily access popular social networking sites – and subsequently removed the advertisement from our advertising schedule on 19th August (approximately 5 days after the advertisement began to air). We apologise for any offence or concern this advertisement might have caused, and have no plans to air this commercial again. We thank the community for their feedback.