



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0386-20</b>
<b>2. Advertiser :</b>	<b>Optus Communications</b>
<b>3. Product :</b>	<b>Mobile Phone or SMS</b>
<b>4. Type of Advertisement/Media :</b>	<b>TV - Free to Air</b>
<b>5. Date of Determination</b>	<b>20-Jan-2021</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

### DESCRIPTION OF ADVERTISEMENT

This television advertisement features a woman looking out a window speaking into a phone. She says, "tell her to go to the right." A child's voice can be heard echoing "to the right".

The woman coaxes, "a bit more, a bit more". A group of children can be seen across the road attempting to retrieve a frisbee from a roof with a makeshift pole and hook. The woman continues to give directions over the phone. They eventually knock the frisbee off the roof.

### THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

*I am objecting on the grounds of safety and depicting children under the supervision of an adult doing something clearly unsafe.*

*This ad encourages children to dislodge stuck items using sticks, children could be encouraged to use this same technique to dislodge items from power lines resulting in electrocution. As a child there were ads actively discouraging this behaviour this ad normalises a dangerous behavior.*



## THE ADVERTISER'S RESPONSE

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

*Firstly, thank you for the opportunity to formally respond to the complaints. Singtel Optus Pty Ltd (Optus) is committed to best practice in its advertising and appreciates all consumer feedback.*

### THE COMPLAINTS

*The two complaints received by Ad Standards allege that the TV Ad portrays children acting in an unsafe manner (section 2.6 of the Australian Association of National Advertisers Code of Ethics (Code)).*

*The Complaints specifically reference the following issues:*

- *Children retrieving a frisbee near to power lines, particularly as there have been various campaigns by electricity providers, including to 'look up and live'; and*
- *Children retrieving a frisbee using a very long stick/rod with various items conjoined.*

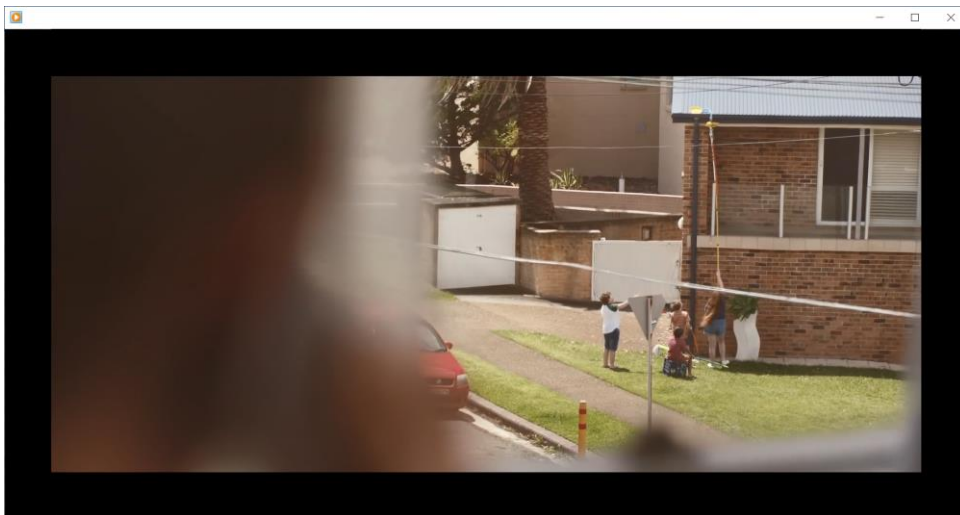
### OPTUS RESPONSE

*The TV ad switches between a caregiver and a group of children trying to work together to retrieve a frisbee off a roof of a block of townhouses. The caregiver is situated in the third floor of a block of apartments diagonally opposite from the group of children who are standing on the ground across the road next to the townhouse. The frisbee is in the guttering of the townhouse, which is 1.5 storeys. The caregiver and children are communicating via phone. One of the children is retrieving the frisbee with an extendable broom.*

*The complaints referenced a "very long stick/rod with various items conjoined" and "children taping together sticks and brooms". The apparatus being used by the children is in fact a long extendable broom (being the type used for washing windows) with a plastic coat hanger and piece of plastic hot wheels track attached to the end by gaffer tape as a double sided 'hook' to help remove the frisbee (ie, with the coat hanger on one side and the hot wheels track on the other). This can be more clearly seen in the image below:*



*The shot in the TV ad showing the powerlines and children is taken from the perspective of the caregiver as follows:*



*This shot is onscreen for 2 seconds. While at a glance it may appear the power lines are close to the children, they are in fact quite far away and do not pose any danger. It is the perspective of the shot (taken from the top of a three-story building) across the road from the children that makes it appear closer than they are.*

*To demonstrate this we have supplied two street side images from the location of the shoot that clearly show the distance of the power lines from the apartment block roof as follows:*



- *Picture 1 shows the unit the children are standing next to in the TV ad. As you can see, the power lines are quite far from the guttering they are removing the frisbee from.*
- *Picture 2 shows the unit the guardian is calling from. She is in the top unit and the power lines are directly outside and across the road from the window she is looking out of in the TV ad.*

*Picture 1: (Google Maps)*

*The children were standing on the yellow X*



*Picture 2: (Google Maps)*

*The guardian is looking out the window identified with a yellow X*



*As the guardian's head is included in the relevant shot as half of the screen (see the screenshot at the top of page 2), it is clear that the shot is taken from the apartment the guardian is standing in, and not directly in front of the children. This is reinforced by the end of the TV ad where there is an aerial shot showing the children dislodging the frisbee, no powerlines appear in that shot.*



#### *FORMAL RESPONSE FROM CAD REGARDING FEEDBACK*

*In addition to the above, Optus also received CAD approval for this TV ad. CAD has supplied a provide further information if required. The TV ad which CAD received contained a 10 second count down, so their references to the “12 second mark” and “16 to 20 second marks” in the following is the 2 second mark and 6-10 second marks in the version of the TV ad.*

#### *CAD Response:*

*We would be more than happy to provide further information on elements we considered when reviewing the Optus TVC and rationale for not applying the AANA 2.6 (Health and Safety) flag.*

*We considered the following:*

*1. We assessed the scene at 12 second mark, where the children attempt to retrieve the frisbee from the roof. It is clear that the power lines are not in the vicinity of where the children are standing. This is further confirmed by the following shots at the 16 to 20 second marks where there is an ariel (sic) view of the children eventually retrieving the frisbee. It’s very clear from those scenes that there are no power lines in close proximity to the children.*

- When viewing the TVC in its entirety, it is clear from all the scenes that the children were not in the vicinity of the power lines, as they use a plastic stick to retrieve the frisbee from the roof. It could potentially be different, and more likely to require a AANA flag, if for example the children were shown to use the stick on a pole that is connected to powerlines or in close proximity to a busy road. Also, if the TVC just showed the shot at 12 second mark in isolation without the context of the full TVC where the children are clearly away from the power lines, then this could be considered an issue under Section 2.6 of the Code of Ethics.*

#### *OTHER SECTIONS OF THE CODE*

*Finally, we do not believe that the TV ad, in any way:*

- portrays people or depicts material 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 (2.1)*
- employs sexual appeal (section 2.2);*
- presents or portrays violence (section 2.3);*
- treats sex, sexuality or nudity with insensitivity to the relevant audience (section 2.4);*
- uses language which is inappropriate in the circumstances (section 2.5);*
- depicts material contrary to Prevailing Community Standards (section 2.6); or*
- does not clearly distinguish itself as an advertisement (section 2.7).*

*Given this, we have not provided submissions on these sections of the codes.*

#### *SUMMARY*

*Accordingly, for the reasons set out above, we are of the view that the TV Ad is compliant with, and does not breach, the Code.*



## **THE DETERMINATION**

The Ad Standards Community Panel (Panel) considered whether the advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants' concerns that the advertisement shows children using a long stick to reach a frisbee stuck in a house gutter and shows power lines, and that demonstrating such behaviour is unsafe.

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

### **Section 2.6: Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.**

The Panel noted that there are power lines visible in some scenes of the advertisement, most notably when the scene is from the viewpoint of the adult who is in the building across the street and has a higher perspective.

The Panel considered that power lines are not uncommon and are usually located around houses, and that their appearance in an advertisement was not itself a cause of concern under the Code.

The Panel considered that scenes showing the children attempting to retrieve their frisbee show that there is not a power line located near the frisbee and that the children are in no danger.

The Panel noted concerns that using a similar method to retrieve something from near a power line would be unsafe, but considered that this behaviour is not depicted in the advertisement. The Panel noted that its role is to adjudicate on the content of advertisement as presented. The Panel considered that most children viewing the advertisement would not infer a suggestion of using a long stick to touch a power pole, as that action is not depicted.

The Panel considered that the advertisement did not depict material contrary to prevailing community standards on safety in relation to the depiction of a long stick and power lines in the advertisement.

### **Section 2.6 conclusion**

The Panel considered that the advertisement did not contain material contrary to Prevailing Community Standards on health and safety and determined that it did not breach Section 2.6 of the Code.

### **Conclusion**

Finding that the advertisement did not breach the Code on other grounds, the Panel dismissed the complaints.