



Case Report

1	Case Number	0531/10
2	Advertiser	Vodafone Network Pty Ltd
3	Product	Telecommunications
4	Type of Advertisement / media	TV
5	Date of Determination	19/01/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience

DESCRIPTION OF THE ADVERTISEMENT

Australian Cricketer Michael Clarke is shown entering a locker room. A male voice over says to Michael that "Karen from Canberra" would like to see Michael's dongle. The voice over then asks Michael to show his dongle and says, "Karen, steady yourself".

Michael looks at the camera then reaches in to his trouser pocket. The camera closes in to his pocket and we see him take a dongle out and rest it on his palm so the camera can get a close up view.

The voice over then talks about the Vodafone promotion and Michael puts the dongle back in his pocket whilst smiling at the camera.

THE COMPLAINT

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

10 yr olds and 11 yr olds such as my daughter are easily connecting the pornographic and stupid reference "Michael Clarke's dongle" to male anatomy- you can guess which bit. This is sleazy and fatuous and if Australians want to amuse themselves with slum references to penises, let them do it at a time that is more suitable to their foul antics. Not directly after MY child returns home from school. This dopey advertising (since Australia has removed any censorship) is evil and criminal given that we as a nation should be protecting children from being forced-fed lewd material. Tell this advertiser to get a grip.

I am offended that my son and family have been subjected to sexually explicit advertising during family time TV. My 6 year old son asked me why this man (a famous cricketer and one of his sporting hero's) was being asked to show his private parts (i.e. his penis) on TV. Please have this advertisement removed immediately form TV.

THE ADVERTISER'S RESPONSE

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

At the outset we confirm that the advertisements in question have not aired since 18th December 2010 and VHA has no plans to air these commercials in the future.

The purpose of the television commercial is both to promote the fact that Vodafone is a sponsor of Mr Clarke and the Ashes Test Series, as well as to feature the \$49 Mobile Broadband Starter Pack and (in one of the commercials) the limited edition "Clarkey Dongle".

While VHA concedes that some viewers may associate that the term "Dongle" with a part of the male anatomy, we submit that this constitutes only mildly sexually suggestive advertising and that the reasonable member of the relevant audience (potential purchasers of Vodafone's Mobile Broadband Products) would not be offended by this commercial. In the Telecommunications industry, "Dongle" is a commonly used term for a USB Modem and VHA and its competitors have made use of this term on several occasions separate from the television commercials in question. VHA clearly intended for this advertisement to be tongue-in-cheek and at no stage was there an intention to cause offence in any manner to its viewers (whether they be customers of Vodafone or not). At all relevant times in the advertisement, Mr Clarke stands side on to the camera (obscuring his genital area) and it is clear that when "showing his dongle" he is reaching for something which is being kept in his right pocket. Further, there is no nudity, or suggestion of nudity, at any stage of the advertisement.

VHA considers that the manner in which this has been executed and the nature of the references themselves ensure that VHA has remained sensitive to the relevant audience. VHA regrets that the complainants do not share this viewpoint.

For these reasons, to the extent that the television commercials contain reference to sexuality, VHA maintains that they are nonetheless sensitive to the relevant audience and that the programme time zone is not a relevant concern. Accordingly, the ad does not breach section 2 of the AANA Advertiser Code of Ethics.

In addition, the complainants each raised concerns that the advertisements in question were being viewed by children given that they were aired during prime time television hours. We confirm that the product being featured (the \$49 Prepaid Mobile Broadband Starter Pack) is offered on a prepaid basis and is only available to those who have reached the age of 16. 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.

Finally, as noted, I can confirm that the "Limited Edition Clarkey USB Modem Television Commercial", the "Standard \$49 Starter Pack Television Commercial" and the 15 second cut-down version of the "Standard \$49 Starter Pack Television Commercial" were all

removed from air on the 18th December 2010 and VHA has no plans to re-broadcast these advertisements in the future.

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 sexually explicit and inappropriate.

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

The Board considered whether the advertisement was in breach of section 2.3 of the Code. Section 2.3 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone”.

The Board noted the advertisement features Australian cricketer Michael Clarke in the changing room showing his ‘Dongle’ in response to a request from the voice over.

The Board noted that a dongle is a USB Modem and that this advertisement is for a Vodafone Dongle featuring an image of Michael Clarke.

The Board noted that the word dongle can also be used as slang for a man’s penis, and noted that in the advertisement the camera focuses in on the crotch area of Michael Clarke whilst he removes the USB from his pocket, playing on a double entendre.

Some members of the Board considered that the sexual innuendo used in the advertisement, whilst not overly strong, was not particularly appropriate given Michael Clarke’s status as a role model to children. Some members of the Board also noted that the advertisement was set in a changing room and considered that this setting along with the sexual innuendo could also be seen as inappropriate.

The majority of the Board however considered that the sexual innuendo of the advertisement was mild and that the word dongle is the correct and appropriate term for a USB modem.

Based on the above, the Board determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and that it did not breach section 2.3 of the Code.

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

