



## CASE REPORT

1. Complaint reference number	112/08
2. Advertiser	Telstra Corporation Ltd (BigPond Entertainment)
3. Product	Telecommunications
4. Type of advertisement	TV
5. Nature of complaint	Health and safety – section 2.6
6. Date of determination	Wednesday, 9 April 2008
7. DETERMINATION	Dismissed

## DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts a young woman in a suburban train using her mobile phone to access Bigpond Entertainment. We see the woman "enter" the world of a news broadcast reporting a war conflict, then she quickly finds herself sitting next to the driver in a racing car on a race circuit. Finally she is propelled into a video game where she is rescued by a hero and interacts with the animated characters. As she narrowly avoids an animated "monster" by escaping through giant closing doors, the scene returns to real life and we see the girl is actually exiting the train just as the doors close behind her. A female voiceover announces "Bigpond news, sport and entertainment - too big for TV."

## THE COMPLAINT

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

*A lady is experiencing the benefits of internet. One particular scene shows her shoving the doors of a train apart as she is just getting to catch it in time. It is of the safety to the public not to see this type of action repeatedly, so it is very clear that the type of action in the advertisement is not acceptable in the interest of safe practices. Public passenger safety is jeopardised by advertising the unsafe boarding of a train in this way.*

## THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

*BigPond has reviewed the complaint and its "BigPond Entertainment – Too Big for TV" advertisement. BigPond does not consider that the advertisement contravenes the AANA Advertiser Code of Ethics.*

*The advertisement depicts a number of different "make believe" scenarios premised on the idea that with BigPond on your mobile you can get a whole host of great entertainment. The talent in the TVC is propelled into a number of different situations, i.e. she's in a war scene from a news clip, then a V8 Supercar race and finally an animated mobile game, all showing that with BigPond on your mobile you can have all this entertainment whenever and wherever you want it.*

*BigPond supports responsible advertising and is in no way promoting unsafe practises. The train scene does not encourage breach of health and safety standards. This scene illustrates the woman getting off the train, she doesn't in fact pull the doors open, it's a direct follow on from the previous scene where she is "escaping" from the animated game – clearly a "make believe" scene and the woman just manages to get through the doors in time. This advertisement was focussed around adults, no children were used in the 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 concerns of the complainant and reviewed the advertisement under Section 2.6 of the Code which deals with prevailing community standards on health and safety.

The Board viewed the television commercial and noted the use of fantasy throughout the advertisement.

The Board noted that the advertisement did not show the young woman boarding the train or interfering with the train doors in any way. It further noted that the woman was seen exiting the train through open doors.

The Board did not consider that the advertisement contained any images that breached Section 2.6 of the Code.

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