

CASE REPORT

1. Complaint reference number	117/09
2. Advertiser	Telstra Corporation
3. Product	Phone Services
4. Type of advertisement	TV
5. Nature of complaint	Health and safety – section 2.6
6. Date of determination	Wednesday, 8 April 2009
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement for Telstra has a young girl calling to her parent's home. Her father answers the call in the garage. The girl is shown making the call using hand's free in her car. After speaking briefly with her father, he puts the phone down to get her mother. The byline says "Time to call your mum?"

THE COMPLAINT

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

The reason for objection to this ad is because it is highly illegal to be driving whilst speaking into an earpiece, and the fact that the driver is a P plater shows an even greater concern. It is unbelievable that the company were permitted to put this ad on TV as it shows a young driver clearly breaking the law of mobile phone usage whilst driving, which has been so publisised over the last year.

The daughter is making a phone call from a car she is driving. Stasitics prove that making phone calls while driving a car is extremely hazardous even with 'hands free' equipment and I have enough problems encouraging my two teenage children to ignore their mobile phones while driving without Telstra contradicting common sense and even laws governing this practice. This particular advert should be pulled immediately. I have no problems with other Telstra adverts in their series of encouraging people to ring their mum for mother's day.

THE ADVERTISER'S RESPONSE

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

Nature of Complaint: Health and safety - section 2.6

In relation into the complaints made regarding an advertisement promoting Telstra products and services, Telstra and its advertising agency BWM, do not consider the advertisement to have breached the AANA Advertiser Code of Ethics, section 2.6 and believes that it complies with that section to not depict material contrary to prevailing community standards on health and safety.

Telstra is keenly aware of its social responsibilities and is committed to the upkeep of its advertising standards. Advertisements are regularly tested in research groups before production and broadcast to ensure that any misinterpretations or risks are screened, eliminated and/or minimised before delivering the final advertisement to the marketplace.

Telstra does not advocate the unsafe use of mobile phones whilst driving. As outlined on the Roads and Traffic Authority website, it is not illegal to use a hands free device if it is set up and working before driving and the driver is in control of your vehicle. The advertisement in question shows a young lady using the hands free device in a traffic jam where she is in full control of the vehicle, and depicts a scene where the device was already set up. The driver depicted is not on her P Plates.

For these reasons we maintain that the advertisement does not discriminate or vilification of gender and does not breach the AANA Code of Ethics.

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 young woman is depicted driving her car while talking on a monbile phone and also that she is doing so while on her P plates.

The Board viewed the advertisement and considered that there was no depiction or suggestion that the young woman is on her P plates. In addition the Board noted the Australian Road Rules which make it acceptable for people to use hands free mobile phone devices while driving and that the depictions of the young woman and her phone use in this advertisement are consistent with those Rules.

The Board determined that the advertisement did not contain any depictions of mobbile phone use that contrave prevailing community standards on health and safety and therefore did not breach section 2.6 of the Code.

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