



CASE REPORT

1. Complaint reference number	186/09
2. Advertiser	Unwired Australia
3. Product	Telecommunications
4. Type of advertisement	Outdoor
5. Nature of complaint	Portrayal of sex/sexuality/nudity – section 2.3
6. Date of determination	Thursday, 14 May 2009
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This print ad is one of a series. The image shows an unkept and unshaven man lying on an old sofa. The man is wearing a stained singlet top and on his head is a fur lined trappers hat with long ear flaps. There is a small cat sitting/lying on the man's shoulder. The picture contains images of dirty, unkept living area with ashtrays full of cigarette butts and take-away food containers with food scraps. The large wording on the poster says "I didn't know if you wanted Thai or Sushi, so I puked in your bed." The smaller wording for the brand Unwired says "move when you need to, wireless broadband, no contract, no phone lines, pre-paid available."

THE COMPLAINT

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

I find this offensive, because that made all of my friend including me feel sick - i have a mental illness due to vomiting and its offensive as its on a huge billboard.

THE ADVERTISER'S RESPONSE

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

The 'Thai' advertisement is part of the 'Move When You Need To' outdoor billboard, press and online campaign that includes four other executions titled: 'Drum', 'Loo', 'Ferret' and 'Grumpster'.

In the 'Move When You Need To' campaign, Unwired illustrates undesirable flat sharing situations, and points out that with Unwired broadband, it's quite easy to remove yourself from bad living circumstances because there are no contracts or phone lines required with the wireless service. The ad uses realistic photography and exaggerated flatmate quotes to dramatise the uneasy, yet possibly humorous situation of living with a bad flatmate.

The headline in the 'Thai' advertisement is, "I didn't know if you wanted Thai or Sushi so I puked on your bed". The photo features a slovenly looking man, lying on a dirty couch and he looks as though he's just woken up. The nonsensical quote and the grainy imagery are intended to be attention grabbing. The ad and the others in the campaign are intended to appeal to young people in a transient rental target market, who, along with those who remember their flat sharing days, would see the humour in having such a slob for a flatmate, and the desirability of being able to move when you need to and take your internet connection with you.

In relation to Section 2 of the AANA Code, Unwired makes the following observations. The advertisement is not directed to and does not advertise products targeted toward or which appeal

to children, and accordingly the code for Advertising & Marketing Communications to Children does not apply. The ad would not frighten children because, visually, the advertisement does not include overtly distressing imagery and the nonsensical quote would probably not make sense to a child enough to frighten them. The advertisement is not for food or beverages. While the language used may be a little odd, it is not strong, obscene or otherwise inappropriate. The advertisement does not, in Unwired's view and in particular having regard to the audience to which it is directed, depict material contrary to prevailing community standards on health and safety.

While Unwired regrets the distress caused to the complainant in his or her special circumstances, the ad does not, in Unwired's view, discriminate against or vilify a person or section of the community on account of disability.

The 'Move When You Need To' campaign commenced in February 2009 and ended in April 2009. The 'Thai' billboard in question no longer appears in train stations.

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 complainant's concerns that the advertisement was offensive and sickening.

The Board noted that the advertisement is meant to suggest that some housemates have revolting habits and that with the advertised product it is easy to move house and take your broadband with you. The Board considered that the advertisement was in bad taste and noted that the images and text used in the advertisement may be unpleasant or offensive to some people, however that there was nothing in the advertisement that breached any particular provision of the Code.

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