



CASE REPORT

1. Complaint reference number	26/10
2. Advertiser	Teracomm Asia Pacific (Ask Hugo)
3. Product	Telecommunications
4. Type of advertisement	TV
5. Nature of complaint	Health and safety – section 2.6
6. Date of determination	Wednesday, 10 February 2010
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts a help line HUGO that is available for advice by sending an sms. The advertisement portrays various scenario's when HUGO may be of assistance. In one case, the woman has just split with her boyfriend and is crying, in another scene, a girl says that there is a mean girl at school and wants to know a good insult.

THE COMPLAINT

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

I fail to see how this got onto air as it clearly condones bullying in schools. I really do hope this is pulled immediately as I'm quite shocked this has made it to TV screens in this country.

This is absolutely disgusting. We are trying to eradicate bullying in school which has caused the loss of some lives in schools in 2009 not to mention the work the government is doing to eliminate violence during under age drinking and television stations are allowing such an advertisement such as this to send a direct message to teenagers and encouraging such disgusting behaviour and in fact providing guidance on how to do it.

We have had children bullied and to call insults back is not the right way to go about it.

THE ADVERTISER'S RESPONSE

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

We have received the complaints regarding the Ask Hugo question and answer text messaging service in which the complainants believe the service encourages health and safety violations to children by encouraging bullies to harass those who are different from them. We deeply regret to receive complaints about our TVC but we sincerely disagree with their complaints for the following reasons:

1. The advertisement clearly states the service is for use by those who are 18 years of age or older. The advertisement is not aimed for those under 18 years of age. The advertisement clearly shows this on the screen for 17 seconds of the 30 second spot.

2. The advertisement clearly states this is an entertainment service and for entertainment purposes only. The advertisement clearly shows this on the screen for 17 seconds of the 30 second spot.

3. The exaggerated artwork, bright colours, upbeat music and the odd questions in the ad (including this question) reinforce the content in the ad is not meant to be taken seriously and is

about entertainment and fun. Everything in the ad is presented in a fun, entertaining way, showing the content is not to be taken seriously.

4. The ad does not depict violence of any kind, further the ad, Teracomm Asia Pacific, and its subsidiaries do not condone violence of any kind.

5. The ad does not promote bullying or any acts of repeated aggressive behavior in order to intentionally hurt another person, physically or mentally. The ad depicts a one off situation and offers a way to end the situation in a nonviolent, nonthreatening, fun, light-hearted way. Nothing in the ad is meant to encourage violence, meanness or encourage underlying stereotypes in society as such.

6. The ad never says insults should be used to bully "new girls," "weird girls," "smart girls," or anything similar. The ad does not promote instigating problems or not accepting people who are different from others. In fact, the ad actively promotes Hugo as open to being asked anything, anytime, by anyone without discrimination.

7. Hugo is promoted as a smart guy who knows everything. He would never belittle smart people or condone behaviours that would undermine the value of smart people. Hugo is always shown wearing glasses of his own.

8. It is clear by all the questions asked in the TVC that Hugo tries to solve problems, not create them. Hugo would not encourage or insight violence, suffering, taunting, sadness or the like. Hugo promotes quite the opposite of those things and is meant to be a positive character, helping people deal with the problems in their lives in an entertaining way.

9. This ad in no way promotes underage drinking or any other illegal activity nor does it offer guidance on how to undergo any illegal or harmful activity as such. Further any time Ask Hugo receives a question pertaining to an illegal activity, the customer receives a response back stating Ask Hugo does not promote or partake in illegal activities.

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 contrary to current public concerns and government campaigns to stop bullying and violence in schools.

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

The Board noted that advertisement is for an entertainment product and depicts a number of scenarios and people asking a question of 'Hugo'.

The Board considered that the image of the school girl was very brief but noted that she did look stressed.

The Board considered whether the advertisement was in breach of section 2.6 of the Code.

Section 2.6 of the Code states:

"Advertising or marketing communications shall not depict material contrary to prevailing community standards on health and safety."

The Board empathised with the complainants' concerns and some members of the Board were unsure whether the service being promoted was condoning or encouraging negative behaviour or offering guidance to people who had experienced a difficult situation and could seek immediate counsel/advice.

The Board noted that its role is not to mandate the types of services and goods that may be advertised or marketed. Instead the role of the Board is to weight up the interests of the public and consider whether the standards of the prevailing community had been breached by the television advertisement. In this regard, the Board noted that the school girl in the advertisement appeared distressed and worried and was upset. The fact that the girl was seeking a good insult from

HUGO implied that she was intending to respond to a challenging situation. Some members of the Board were inclined to the view that the advertisement was promoting negative behaviour.

However, the majority of the Board considered that the nature of the product and the brief image of the school girl did not amount to a depiction of bullying or encouragement of bullying or inappropriate responses to bullying. The Board considered a person would need to read too much into the advertisement to take a strong suggestion of bullying. The majority of the Board agreed that the advertisement did not depict or condone any behaviour that would be in breach of prevailing community standards on health and safety - specifically bullying and did not breach of section 2.6 of the Code.

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