



CASE REPORT

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| 1. Complaint reference number | 265/09 |
| 2. Advertiser | Vodafone |
| 3. Product | Telecommunications |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Discrimination or vilification Religion – section 2.1
Violence Other – section 2.2
Language – use of language – section 2.5
Health and safety – section 2.6 |
| 6. Date of determination | Wednesday, 24 June 2009 |
| 7. DETERMINATION | Upheld – discontinued or modified |

DESCRIPTION OF THE ADVERTISEMENT

This TVC (shown pre 8.30 p.m.) commences with a small boy looking out the window and sees a shark appearing to be flying through the air like an aeroplane. The boy runs to his mother. Next image is of a newspaper with the headlines “One day is here”. Next image is of children running and jumping into a fountain and the children picking up money from the bottom of the fountain. Next image is of a man “driving” a bed along the road. Next image is of a bus pulling up and as the driver opens the door to allow passengers on, the driver (an older man) is wearing a dress. Next image is a man in a large retail warehouse, he is portrayed in an upper office looking down at the main retail floor below. The young man is using the PA system and is heard to tell the boss he is quitting his job. Next image is a large number of dogs running down the road being chased by a large number of cats, who are in turn being chased by a plague of mice. Next image is of a large boy portrayed as bullying a smaller boy. A young girl comes up, taps the bully on the shoulder, as her turns around, the young girl is portrayed as kicking the bully in the shins. The girl laughs as the bully appears to be bent over in pain. The final image is of an inflatable jumping castle floating down some rapids with the words “What are you waiting for?” the final voice over says, “What are you waiting for – Vodafone, make the most of now”. Image and logo appear.

The similar TVC shown post 8.30 p.m. contains all the same images, however the young man who quits his job is shown to be standing in the office and raises his middle finger to the boss, as he calls over the PA system.

This TVC (shown pre 8.30 p.m.) commences with a small boy looking out the window and sees a shark appearing to be flying through the air like an aeroplane. The boy runs to his mother. Next image is of a newspaper with the headlines “One day is here”. Next image is of a young woman at a railway platform, she walks up to a man, nervously taps him on the shoulder and after a pause, kisses him passionately. The man appears taken aback and the woman appears relieved. Next image is of children running and jumping into a fountain and the children picking up money from the bottom of the fountain. Next image is of a man “driving” a bed along the road. Next image is of a bus pulling up and as the driver opens the door to allow passengers on, the driver (an older man) is wearing a dress. The next image is a priest who is standing at the door and is shown to be handing out condoms to people as the exit the building. Next image is a man in a large retail warehouse, he is portrayed in an upper office looking down at the main retail floor below. The young man is using the PA system and is heard to tell the boss he is quitting his job. Next image is a large number of dogs running down the road being chased by a large number of cats, who are in turn being chased by a plague of mice. Next image is of a large boy portrayed as bullying a smaller boy. A young girl comes up, taps the bully on the shoulder, as her turns around, the young girl is portrayed as kicking the bully in the shins. The girl laughs as the bully appears to be bent over in pain. The image reverts back to the man on the PA system making comments to the supervisor down on the main retail floor. The manager breaks into a run as he tries to get to the office. The final image is of an inflatable jumping castle floating down

some rapids with the words “What are you waiting for?” the final voice over says, “What are you waiting for – Vodafone, make the most of now”. Image and logo appear.

The equivalent TVC shown post 8.30 p.m. contains all the same images, however in the final scene, the young man who quits his job is shown to be standing in the office and raises his middle finger to the boss, as he calls over the PA system.

THE COMPLAINT

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

It is the advert where Vodafone shows many incidents during the ad, where a young gentleman uses a public address system in a supermarket and tells his boss to take this job and show it - and is pictured in an office upstairs giving a finger graphic gesture to a Manager on the floor. Within the same ad is a bigish child (boy) acting as a bully in a school yard and another child (girl) kicks him in the shins. What message are we giving our youth? I am a working woman of 51 years of age, so yes, of the 'older generation', but I was brought up to respect people of all ages.

Being rude to a boss, and being a school yard bully are both issues on everyone's lips right now, so why are we letting advertising companies make this type of behaviour seem fun, and something we want to subscribe to?

I would like to lodge a complaint about the current Vodafone advertisement which shows a priest handing out condoms. This ad was shown at 7.20pm on a Tuesday (I think it was Tuesday 26th May and likely to be Channel 10) when I first saw it. Our son who has recently turned 12 years old was watching the television at the time. We are very conscientious about what our son views and are both very annoyed that the ad has this content and about the time it was broadcast. I look forward to your response in this matter.

This ad is offensive, and contravenes Section 2.1 of the AANA Code of Ethics, "Advertising or Marketing Communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief." The Vodafone ad depicts a Catholic priest happily handing out condoms to young people, and saying what sounds like "Peace be with you". The Catholic Church has long held a doctrinal position forbidding condom use.

Vodafone's mockery of the values held by the Church and the suggestion that the priest would 'one day' be happy to hand out condoms and condone promiscuity is highly offensive to Catholics, and is slanderous. It vilifies the sacred role and duties of the Catholic Priest. It would be just as offensive in a religious sense to show young Muslim women thrilled to have their hajibs removed by a male model, or to show a Rabbi feasting on a bacon and egg roll. I request this segment of the Vodafone TV commercial be removed.

I strongly object to the visual of the Priest distributing condoms to random bus passengers. As a Catholic I find this offensive and unnecessary. The Catholic Church does not condone the use of condoms and this offends my religious beliefs and I find it disrespectful and it is an attack against my faith. I have yet to see such disrespect in advertising against any other faith. I will no longer subscribe to Vodafone and this ad should be removed.

THE ADVERTISER'S RESPONSE

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

*Thank you for your email of 1 June 2009 notifying us of the complaints you received in relation to the Vodafone “One Day” television advertisement (**Advertisement A**).*

*Please see below Vodafone's detailed comments in response to the complaints. While Vodafone believes that the Advertisements are not in breach of the AANA Advertiser Code of Ethics (the **AANA Code**), we do not wish to cause any member of the public offence or concern and take the complaints seriously.*

The Advertisement

The Advertisement forms part of a broader Vodafone advertising campaign where the overarching theme is about people “Making the most of now”.

Advertisement A is one of a coordinated series of advertisements which encourages viewers to fulfil their personal “one day” ambition or fantasy. It is made up of various scenes illustrating what could occur “one day” in a person’s life, if the circumstances were turned on everyday experiences. The scenes in Advertisement A include a number of light hearted and comic depictions of common situations which invite viewers to explore the world of ‘what if’, where day-to-day fantasies come to life.

AANA Code

Vodafone does not believe that the Advertisements breach any provision of the AANA Code.

We note that there have been several complaints in relation to the Advertisements, however as there are common themes throughout the complaints, in the interests of efficiency we will address the complaints collectively.

It is important for the Board to be aware that the complainants have focused on individual scenes that form part of a larger montage of film, and that by doing so the scenes are out of context. When the scenes in question are viewed together with the rest of the advertisement and in context, it is clear that the individual interpretations of the complainants are unsubstantiated. Accordingly we would respectfully suggest that the Board view the scenes in question together and in context with the overall advertisement and the underlying themes of the campaign, namely "Making the most of now", "One day" and "what if".

The principle complaints about Advertisement A are as follows:

(i) the scene in which a young girl kicks a bully promotes violence;

We are aware that section 2.2 of the AANA Code provides that advertisers ‘shall not present or portray violence unless it is justifiable in the context of the product or service advertised’. We do not think that this scene breaches section 2.2 of the AANA Code. The scene in question is intended to be a comical depiction of how someone may fantasise about reacting in an “ordinary situation” in a world without inhibitions. In this world of ‘one day’, people are portrayed acting in ways they would not normally act if it was just another ordinary day. This scene uses the concept of a bully picking on a smaller child, but amusingly turns it around when the young girl defeats the bully in defence of the smaller child.

The scene is intended to be humorous and entertaining, in our view, the depiction is justifiable in the context of the advertisement and the campaign’s theme. With respect, we strongly disagree with the suggestion that the scene has any links to domestic violence or has any relationship with the current media attention on violence towards women. In our opinion, most viewers would understand the light-hearted nature of the scene in the context of the advertisement and accordingly would not take offence to the advertisement.

(ii) the scene in which an employee displays a rude gesture to his boss is offensive; and

We do not think that the scene is in breach of any section of the AANA Code. The scene is intended to be a comical depiction of an employee expressing their dissatisfaction with their boss; a situation which we believe many people would relate to. In fact many people may have even fantasized about reacting in a similar way themselves. Importantly, the depiction of the worker making a rude gesture to his boss is aired only after 8.30pm. Thereby ensuring it is consistent with content broadcast at this time. Please note, the version of the scene aired in earlier time slots does not show the rude gesture

(iii) that the scene in which a priest hands out condoms to parishioners discriminates and vilifies religion.

We are aware that section 2.1 of the AANA Code relevantly provides that advertisers ‘shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of...religion’. Respectfully, we do not consider that the scene

in which the priest is handing out condoms discriminates against or vilifies the Catholic religion or indeed any other religion. The scene is not disparaging or disrespectful, but is intended to be an absurd portrayal of a “scene” that you would not expect to see in ordinary life. This scene is bizarre in that it presents a situation, which the general public is aware, is highly unlikely to happen. The ridiculousness of the scene is meant to sharply bring into focus the theme of the ‘one day’ fantasy.

We regret any offence caused by this scene, but consider that it is in line with contemporary community standards and are confident that the general public would take it in a light-hearted way rather than as demonstrating an intention to disrespect any religious beliefs.

Summary

The Advertisements are intended to be amusing portrayals of the theme being promoted in Vodafone’s current advertising campaign, consistent with Vodafone’s vibrant brand image which includes - ‘What are you waiting for? Make the most of now’ and ‘Living out their “One day” fantasies’. We consider that the Advertisements fall well within contemporary community standards. While we regret any offence felt by the complainants, we do not consider that the Advertisements breach any part of the AANA Code.

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 a number of concerns about this series of advertisements in particular the depiction of a girl kicking a boy, children taking money from a wishing fountain, a priest handing out condoms and a supermarket employee abusing his employer and making a rude gesture with his finger.

The Board noted that there are four advertisements in this series, two of which are for a mature timezone.

The Board considered the image of the children playing in the wishing fountain picking up money. The Board considered that this was an image of young children playing and having fun in the context of a lighthearted advertisement depicting a range of ‘wished for’ situations. The Board considered that this was not a depiction of stealing and did not breach the Code.

The Board then considered the depiction of the schoolyard ‘bullying’ incident in which a large overweight older school child is seen making chicken noises to a smaller child. The small child looks bemused. A small girl is then seen tapping the older boy on the shoulder and, although kicking is not seen, the suggestion is that she kicks the older boy. He is shown to be in pain. The Board considered that this is a depiction of violence, even though the actual kicking is not seen. The Board noted that this scene, in the context of this advertisement, is meant to evoke a feeling of ‘payback’ and triumph that the small child can finally do something about the bully and is not intended to advocate similar behaviour. The Board noted that bullying is a significant issue of concern in Australian schools and the broader community and that it is also a complex issue. The Board considered that a number of the elements of this scene are inappropriate and inconsistent with education around bullying. The suggestion of ‘payback’ in this manner (kicking the older child) and the depiction of a bully as an overweight large older child is stereotypical and unhelpful to raising awareness and understanding of bullying in Australia. The Board considered that this scene in the advertisement depicted bullying in a manner that is contrary to prevailing community standards on health and safety and is an inappropriate depiction of violence and that the advertisement breached section 2.2 and 2.6 of the Code. The Board noted the advertiser response and agreed that this depiction is not suggestive of violence against women or domestic violence.

The Board considered whether the M rated version of this advertisement was also in breach of the Code because of the inclusion of the bullying scene. The Board considered that education of adults and parents about bullying is an important part of the community’s anti bullying strategy and that it is important that this audience also sees an appropriate message about bullying. The Board considered that the stereotypical depiction of the bully and the inappropriate reaction of the girl were also inappropriate scenes in a Mature timezone as they perpetuated incorrect understanding about bullying.

The Board also considered the depiction in two of the advertisements of what is meant to suggest a

priest handing out condoms as people leave the church. The Board considered that this depiction fits with the theme and context of the advertisement as being a scenario unlikely to happen until 'one day'. The Board considered that this depiction is intended as a humorous depiction of a matter that is the subject of debate within a particular religion. The Board noted that some members of that religion may find this depiction offensive but considered that others would find it a humorous reflection of that debate. The Board considered that the depiction of the priest handing out condoms does not disparage or vilify the Catholic religion nor does it disparage Catholics.

The Board considered that the image of the priest handing out condoms did not contravene section 2.1 of the Code. The Board considered that this image was acceptable in both versions of the advertisement and that the depiction of condoms within their package was not a depiction of sexuality that was inappropriate for a broad audience.

The Board considered the scenes in the advertisements where the supermarket employee tells his employer over the loudspeaker that he is resigning. The Board considered that this was not a depiction of bullying or workplace harassment. The Board noted that the M rated version of the advertisement depicts the young man makes a rude gesture to his boss which is visible to many people in the store. The Board considered that the gesture was relatively brief in the advertisement and was not inappropriate in the context of the advertisement's theme of 'one day' things that people would like to do. The Board considered that the gesture was not meant to indicate disrespect for employers generally, just to reflect one person's view of their work situation. The Board considered that the depiction was unlikely to be considered strong or obscene or offensive behaviour and that the gesture did not breach section 2.5 of the Code.

The Board also noted a number of other scenes in the advertisements, in particular the person driving the bed on a road, and a male bus driver in a dress and earrings. The Board considered that these images were consistent with the theme of the advertisement, were fantasy and were not inappropriate, offensive or designed to encourage similar behaviour.

Finding that the advertisement depicted bullying in a manner contrary to prevailing community standards on health and safety and is an inappropriate depiction of violence under section 2.2 and 2.6 of the Code, the Board upheld the complaint.

ADVERTISER'S RESPONSE TO THE DETERMINATION

Comments which the advertiser made in response to the determination regarding this advertisement included the following:

Thank you for forwarding your case report. We have read your determination and intend to remove the offending scene from all versions of the advertisement.