



CASE REPORT

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| 1. Complaint reference number | 287/09 |
| 2. Advertiser | Vodafone |
| 3. Product | Telecommunications |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Health and safety – section 2.6 |
| 6. Date of determination | Wednesday, 24 June 2009 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television commercial commences with images of a young woman on the mobile telephone. Voice Over says “Ever wanted to spend an entire Sunday morning finding out what you did Saturday night?” Next series of images depicts a young man at home eating his “Microwave TV Dinner” and talking on his mobile telephone. Voice over “Ever wanted to spend your night Voice Twittering?”. Next series of images show an older man and older woman having a conversation on their mobile phones, each one telling the other to hang up first. Voice over “Ever wanted to spend hours arguing over who hangs up first?” Voice over “Well what are you waiting for, because now you can talk as much as you like with Vodafone to Vodafone free evenings and weekends. Make the most of now.”

THE COMPLAINT

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

This ad positively promotes behaviour in young people where they consume alcohol or drugs to the point where they cannot remember or recall their actions. This is dangerous behaviour, and the ad promotes it as cool and acceptable behaviour.

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 “Free Weekend and Evenings” television advertisement. Please see below Vodafone’s detailed comments in response to the complaints. While Vodafone believes that the Advertisement is 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 Advertisements

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

The Advertisement relates to the Vodafone product, ‘Free Evenings and Weekends’, which allows Vodafone customers to call other Vodafone mobile numbers within Australia during certain hours. The advertisement poses the question “Have you ever wanted to...” and depicts several situations where a person might find themselves on long or frequent phone calls. It is intended as a humorous portrayal of a circumstance that many viewers may relate to, either directly or indirectly. The complaints regarding the Advertisement concern the scene where a young woman is on the phone

in the morning, trying to find out what she has done the previous night.

AANA Code

Vodafone does not believe that the Advertisement is in 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 complaint about the Advertisement is that it impliedly promotes/condones binge drinking in young people contrary to prevailing community standards on health and safety.

Section 2.6 of the AANA Code (as stated above) prohibits depiction of material contrary to community standards on health and safety. The scene involving the woman is intended to be one out of a collection of light hearted examples of why a person might spend a long time on their mobile phone. The scene does not relate in any way to the use of illicit substances. The scene does not promote or condone binge drinking and we consider that reasonable viewers would understand this. The advertisement intends to communicate the features of the Free Evenings and Weekends Vodafone product, by a situation where a person might make long or frequent mobile phone calls. We are of the view that most members of the community would understand this as the intended message of the advertisement and would not consider that it promotes inappropriate drinking behaviour.

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 Advertisement falls 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 complainants concerns that the advertisement promotes binge drinking or drug taking.

The Board viewed the advertisement and noted that the advertisement states 'ever wanted to find an entire Sunday morning finding out what you did Saturday night'. The Board agreed that there is a mild inference that the young woman drank too much on her night out. However the Board considered that the overall context of the advertisement aims to highlight various reasons for spending a long time on the telephone. In the young woman's case she is talking to friends, in the young man's case he appears to be bored and in the older couple's case they are romantically involved. In the context of the advertisement the Board considered that while some people may consider it a reference to excessive alcohol consumption, there is not a strong indication that this is the case and most people in the community would not consider it a depiction of material that is contrary to prevailing community standards on health. The Board determined that the advertisement 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.