



CASE REPORT

1. Complaint reference number	372/05
2. Advertiser	TransACT Communications (Blue)
3. Product	Telecommunications
4. Type of advertisement	Transport
5. Nature of complaint	Discrimination or vilification Race – section 2.1
6. Date of determination	Tuesday, 13 December 2005
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This outdoor advertisement is featured on ACTION Buses and depicts a close-up shot of a person's eyes. The eyes in the advertisement are blue with a blue SIM card superimposed on the irises of the eyes. The text underneath the image reads: "Take a closer look at why blue is better. Get your blue SIM card today. Call 13 30 61." The TransACT logo is also shown.

THE COMPLAINT

Comments which the complainant made regarding this advertisement included the following:

"... the facial (human) features of eyes are being used in the ad, it makes me feel like they believe blue eyes are better than another colour. Yes I am a brown-eyed person... our nationality, racial background determines what colour eyes we have..."

THE ADVERTISER'S RESPONSE

"No other competitor in the mobile phone market uses a blue SIM card therefore we emphasise this as a point of difference. All of the TransMOBILE marketing materials feature the blue SIM TransMOBILE logo. This has become the 'brand' for TransMOBILE."

"The concept... is not to imply that blue eyes are better but that a blue SIM card is better."

THE DETERMINATION

The Advertising Standards Board ('the Board') considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the Code).

The Board was of the opinion that this advertisement did not breach Section 2 of the Advertiser Code of Ethics on the grounds of discrimination (race) nor on any other grounds and accordingly dismissed this complaint.