



## **CASE REPORT**

- |                               |  |
|-------------------------------|--|
| 1. Complaint reference number | 419/07                                   |
| 2. Advertiser                 | Telstra Corporation Ltd (Mobile Foxtel ) |
| 3. Product                    | Telecommunications                       |
| 4. Type of advertisement      | TV                                       |
| 5. Nature of complaint        | Health and safety – section 2.6          |
| 6. Date of determination      | Tuesday, 11 December 2007                |
| 7. DETERMINATION              | Dismissed                                |

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement opens on the sounds of a kids' party, with laughing and giggling, until the camera pans to the backyard and focuses on a children's entertainer despondently making animals out of balloons, with not a child in sight. The camera follows the sound of the children heard in the background, and they are found to be surrounding an adult male and enjoying watching a movie on his mobile phone. A voiceover explains "Enjoy tons of entertainment anytime with Mobile Foxtel for \$12 per month capped." There follows a close up of a comedy show then a panel of screens displaying the variety of content available and the voiceover concluding "Experience Mobile Foxtel at your nearest Telstra Shop or participating dealer today!"

## **THE COMPLAINT**

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

*Instead of being outside playing and being active, the advertisement seems to encourage the children, or anyone for that matter, that you can watch television 'anywhere, anytime'. Given the issues surround childhood obesity, shouldn't the technology be advertised in a more appropriate manner.*

*It is a sorry sight, seeing a father encourage his son (and numerous other children) to sit and watch TV instead of enjoying activities at the apparent kid's party. The kids should not be sitting there watching Foxtel on the mobile - ridiculous, they should be playing like children should and keeping active. I am sure the 'health' bodies would discourage this type of advertising.*

## **THE ADVERTISER'S RESPONSE**

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

*You have asked Telstra to respond to the complaint and in particular, to address whether the Advertisement raises any issues under section 2 of the Advertiser Code of Ethics or other Codes incorporated in it, such as the AANA Code for Advertising to Children ("Codes"). Telstra considers that the only part of the Codes that could be potentially relevant to the Advertisement is section 2.6, which states "Advertisements shall not depict material contrary to prevailing community standards on health and safety". Accordingly, Telstra's response will address health and safety concerns only.*

*The Advertisement forms part of a wider Telstra campaign which promotes Mobile Foxtel in many different scenarios in a way which encourages people to watch TV on their mobile when they are out and about with their family and friends.*

*Telstra believes that the Advertisement is consistent with the Code and does not depict any material contrary to prevailing community standards of health and safety. We do not believe that watching television on a mobile phone is contrary community standards of health and safety. As described above, viewing TV on your mobile actually promotes activity as viewers are able to catch highlights, sports results and latest news whilst being active at the same time. Further, the Advertisement itself is in an outdoor setting where there is evidence, such as jumping castles, swings and piñata which children have or will play with at the party. This is supported by the fact that the children are standing around the father, thus suggesting that they have been temporarily distracted from their activities to see what is being shown on the mobile, rather than sitting down watching a program for a long period of time.*

*In addition, Telstra does not believe that depicting children and adults watching television in advertising is necessarily contrary to community standards of health and safety. There are many examples of companies showing families enjoying time together whilst watching programs on television.*

*Telstra is a strong supporter of fitness and health. It is a major sponsor of numerous sporting codes and events that are both nationwide as well as grassroots.*

*Telstra trusts that the above information addresses the complaint and any concerns that the ASB may have in relation to the Advertisement.*

## **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 complainants' concern that the advertisement inappropriately encourages inactivity by children.

The Board determined that the provisions of the AAAN Advertiser Code for Advertising to Children does not apply as this product (the Foxtel network) is not primarily targeted to or attractive to children.

The Board considered whether the images in the advertisement breached section 2.6 of the Code by depicting material that is contrary to prevailing community standards on health and safety - that is, children foregoing playing in a backyard at a party and instead watching a movie. The Board considered that the image in the advertisement is a one off image. It does not suggest that children will or should always or excessively watch movies in preference to playing outside. In the absence of any material that suggests or encourages children or older people to always or excessively be immobile or inactive, the advertisement cannot be considered to be breaching community standards on health activity levels or a balanced lifestyle. The Board determined that the advertisement does 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.