



## CASE REPORT

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|-------------------------------|---------------------------------|
| 1. Complaint reference number | 454/08                          |
| 2. Advertiser                 | Telstra Corporation Ltd         |
| 3. Product                    | Mobile Phone/SMS                |
| 4. Type of advertisement      | TV                              |
| 5. Nature of complaint        | Health and safety – section 2.6 |
| 6. Date of determination      | Wednesday, 26 November 2008     |
| 7. DETERMINATION              | Dismissed                       |

## DESCRIPTION OF THE ADVERTISEMENT

This TV advertisement opens with an older woman standing outside her caravan looking out to sea. The phone rings and she is handed the phone by her husband. The caller is her son to advise that their grandchild has arrived. The son holds his phone up to the mother and child in bed so that the new Grandma can see the new arrival. Voice over than says "Share the experience with video calling at the touch of a button on the Telstra Next G Network. Telstra - bringing Australia together".

## THE COMPLAINT

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

*Surely as the child was born "this morning" then mother, child and father are at the hospital where there are many signs advising people to turn off their mobile phones as they can cause problems with the hospitals equipment. This ad is, in my opinion, telling people it is o.k. to flaunt this rule and therefore has the potential to cause life threatening issues.*

## THE ADVERTISER'S RESPONSE

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

*Nature of Complaint: Health and safety - section 2.6.*

*In relation to the complaint made by Mr Goold regarding an advertisement promoting Telstra products and services, Telstra and its advertising agency Ogilvy, do not consider the advertisement to have breached the AANA Advertiser Code of Ethics, section 2.6 and believe that it complies with that section to "not depict material contrary to Prevailing Community Standards on health and safety."*

*Telstra is keenly aware of its social responsibilities and is committed to the upkeep of its advertising standards. Advertisements are regularly tested in research groups before production and broadcast to ensure that any misinterpretations or risks are screened, eliminated and/or minimised before delivering the final advertisement to the marketplace.*

*Telstra is aware of the warning notices in hospitals and the risks involved in using mobile phones in hospitals. To this end, we specifically chose to represent a birthing centre and not a hospital in the advertisement. There is no medical equipment in the room and the room was not intended to be a hospital room.*

*There was no intention by Telstra or its advertising agency to reinforce that it is acceptable to use a mobile phone in a hospital in a way that may affect hospital equipment. Telstra does not advocate the use of mobile phones in hospitals in prohibited areas.*

*For these reasons we maintain that the advertisement not breach the AANA Code of Ethics.*

## **THE DETERMINATION**

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

The Board considered whether the advertisement breached Section 2.6 of the Code, relating to prevailing community standards of health and safety. The Board noted the close camera work used in the advertisement meant that little part of the room was visible. There was nothing to suggest the room was in a hospital as opposed to a birthing centre or home birth. The Board noted no electronic or mechanical medical equipment was evident in the room, as may be found in some parts of a hospital where mobile phone usage may be prohibited. The Board therefore concluded that the depiction in the advertisement of the father using his mobile phone to video call his parents was not contrary to prevailing community standards regarding safe mobile phone usage around hospital equipment, and found no breach of Section 2.6.

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