



CASE REPORT

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| 1. Complaint reference number | 48/08 |
| 2. Advertiser | Telstra Corporation Ltd |
| 3. Product | Telecommunications |
| 4. Type of advertisement | Print |
| 5. Nature of complaint | Health and safety – section 2.6 |
| 6. Date of determination | Wednesday, 13 February 2008 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This print advertisement shows the dashboard of a car with a front passenger's feet, wearing black and white striped socks, propped up on the dashboard.

THE COMPLAINT

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

In this ad the car is obviously moving. If there is an accident the front passenger is in danger of serious spinal injuries. It also affects the proper activation of the front airbag.

It sets a very bad example, in that, in an accident, either or both of these things could happen: 1. the passengers could rapidly slide out from under the seatbelt (known as submarining) and possibly go through the windscreen 2. the passenger side airbag could explode into action right under his/her ankles, resulting in leg injuries while providing no protection for the head/chest.

THE ADVERTISER'S RESPONSE

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

The advertisement depicts a single car driving aimlessly down a freeway on a weekend, with the passenger's feet resting casually on the dashboard. The idea of the advertisement is that the driver is lost and would be assisted by Telstra Whereis mobile, a maps and direction service, which is available to browse for free on Telstra Next G mobiles. Telstra believes that the advertisement is light-hearted in its approach and the dominant message is about the convenience and portability of Telstra's Whereis mobile service. The representation of the passenger resting their feet on the dashboard is incidental and peripheral to the dominant message. Telstra does not consider that a reasonable viewer would construe the advertisement as an endorsement by Telstra that it is acceptable behaviour to place your feet on the dashboard of a moving motor vehicle.

Accordingly, Telstra does not consider the advertisement to be in breach of the AANA Advertiser Code of Ethics. However, Telstra will take into account the feedback from the complainant in developing future advertising for Whereis mobile.

Telstra takes all complaints about its advertising very seriously. Telstra supports responsible advertising and has no intention of promoting any unsafe practices through the advertisement. In fact, Telstra is a great supporter of safe driving having launched its "Drive Safe. Phone Safe" national education and awareness campaign in 2001 which it continues to support.

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 complainant's concern that the advertisement depicted unsafe behaviour ie: placing one's feet on the dashboard of a moving vehicle.

The Board carefully considered the advertisement and agreed that the image of the feet on the dashboard is a prominent part of the advertisement.

The Board noted that modern vehicles with air bags often include a statement to keep that area of the dashboard clear.

The Board considered however that the practice of placing feet on the dashboard is common, albeit becoming less so, and that it could not be said at this time that not placing feet on the dashboard is an accepted community standard. The Board considered that the advertisement was unlikely to encourage copycat behaviour and that on balance the advertisement did not depict material that would be considered to be in breach of a prevailing community standards on safety. 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.