

Case Report

1. Case Number :	0054-23
2. Advertiser :	Telstra
3. Product :	Telecommunications
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	5-Apr-2023
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

This television advertisement features two boys watching TV in their pyjamas. They note that they now have a 12 Month Kayo subscription. The ad then shows the same boys 12 months later. They are wearing football branded pyjamas, have mullets and there is various other football paraphernalia around.



THE COMPLAINT

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

At the start of the ad, it presents a portrayal of Asian-Australians that is offensive not only because of their apparent ignorance of one of the biggest sports in Australia, but also harmful stereotypes such as the accent and haircut of the brothers. As the ad progresses, due to watching Kayo, the brothers are shown adopting features typical of bogan, white Australia such as the mullet and the accent. Basically, the ad is offensively suggesting that the Telstra/Kayo deal will make you more "white" and "Australian".

The ad unabashedly communicates a positive but limiting Asian stereotype. In am a mother of Chinese background, a Clinical Psychologist of 30+ years working with

children and families with high risk complex mental health problems and AFL fan. One of my research theses was in sex roles and the media. In my opinion, the Telstra ad attempts to use humour to sell a product/service with a simple statement on how transformative your life will be with the Telstra product. The advert is offensive racial profiling (probably also cringey ridicule of mullet wearers!), is unhealthy and not helpful. There is no humane benefit in stupid and harmful images and messaging limiting people, including the minors watching on and mothers - we do more than mundane domestic activity in the background. Hopefully regulators are aiming towards more realistic, less restrictive depictions and diverse content on Australian television.

Telstra should take a leaf from the 2023 Oscars and speeches from winning actors from "Everything Everywhere All At Once", and appreciate the importance of being seen for who you are, what you can do and fair opportunity.

Telstra and the regulators can do better than allow profits to be gained through employing obvious discrimination.*

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

2.1 – Discrimination or vilification

The advertisements do not in any way portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual orientation, religion, disability, mental illness or political belief. Discrimination is defined as "unfair or less favourable treatment" and vilification is defined as "humiliates, intimidates, incites hatred, contempt or ridicule."

The ad shows two brothers (approx.9 and 13) watching an AFL game in their lounge room.

The older of the brothers is already watching a game of AFL when the younger brother enters the living room to investigate the noise coming from the television. The younger brother asks 'what is this?'. Since Kayo Sports owned by Foxtel acquired the majority rights to stream the AFL in 2019, it is conceivable that this would have been the first opportunity the nine-year-old boy would have had to watch an AFL game in his home. The older brother responds, 'Mum got 12 months off Kayo with our new Telstra home internet plan'.

The brothers happen to be of Asian descent but the advertisement in no way racially discriminates or vilifies on account of race, ethnicity or nationality through the use of harmful stereotypes or otherwise.

The boys haircuts are what would be expected of boys their age and they have Australian accents throughout the advertisement. Both boys are wearing pyjamas

typical of children's interests at that age. The younger with dinosaur print and the older with video game controllers. Again, depicting average boys watching television at home. It is our view that the advertisement in no way negatively depicts the two boys on the basis of one of the defined attributes in the Code.

The ad then cuts to 12 months later where both boys are sitting dressed in matching Western Bulldogs pyjamas and enthusiastically watching a game of AFL. To exaggerate the boys love for their team they are both sporting mullets to imitate their hero Western Bulldogs star Bailey Smith. Most Victorians would associate the Western Bulldogs with Bailey Smith and his trademark hairstyle.

Over the 12 months the boys have become extremely passionate about AFL, and they yell stats and commentary on how their team is performing in the game. Not unlike the other 2.24 million average Australians that watch AFL each week (figure from 2021). The advertisement does not suggest or imply that the Telstra/Kayo offer will make customers who take it up become more "white" or "Australian" but rather that they will become sports enthusiasts, in this case AFL enthusiasts.

To add more comedic effect, due to the brother being so enthralled by their new love for AFL they have not noticed they now have a new baby brother. The ad closes with the caption 'Kayo it could change your life' this again plays on the parody of Kayo turning people to sports fanatics.

2.2 – Exploitative or degrading There is no use exploitative or degrading content in this advertisement. Neither the voiceover or situational context of the ad, in any way shape or form, present exploitative or degrading content.

2.3 – Violence

There is no violence in this advertisement. Neither the voiceover or situational context of the ad, in any way shape or form, present or portray violence.

2.4 – Sex, Sexuality, and nudity

There is no sex, nudity or things of a sexual nature in this. Neither the voiceover or situational context of the ad, in any way shape or form, present or portray sex, sexuality or nudity.

2.5 – Language

There is no strong or obscene language in this advertisement. Neither the voiceover or situational context of the ad, in any way shape or form, present or portray strong or obscene language.

2.6 – Health and Safety

There are no unsafe practices in this advertisement. Neither the voiceover or situational context of the ad, in any way shape or form, present or portray content that would encourage or condone unhealthy or unsafe behavior.

2.7 – Distinguishable as advertising

This advertisement is clearly distinguishable as such.

THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants' concern that the advertisement portrays negative race and gender stereotypes.

The Panel viewed the advertisement and noted the advertiser's response.

Section 2.1: Advertising shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual orientation, religion, disability, mental illness or political belief.

The Panel noted the Practice Note to Section 2.1 provides the following definitions:

- Discrimination – unfair or less favourable treatment.
- Vilification – humiliates, intimidates, incites hatred, contempt or ridicule.
- Gender – refer to the attributes, roles, behaviours, activities, opportunities or restrictions that society considers appropriate for girls or boys, women or men. Gender is distinct from 'sex', which refers to biological differences.
- Race – viewed broadly this term includes colour, descent or ancestry, ethnicity, nationality, and includes, for example, ideas of ethnicity covering people of Jewish or Muslim origin.

Does the advertisement discriminate against or vilify on account of race?

The Panel noted the complainants' concern that the advertisement depicted harmful stereotypes related to Asian culture.

The Panel noted that at the start of the advertisement the boys are depicted in video game and dinosaur print pyjamas and have bowl haircuts.

The Panel noted that it had previously considered the depiction of an Asian child with a bowl cut in case 0047-23, in which:

"The Panel acknowledged that although bowl cuts are given to many children of all races, the haircut may be one associated with caricatures of Asian people and as such for some members of the community there may be a negative stereotype associated with this haircut. The Panel noted that when casting advertisers should be sensitive to racial stereotypes to avoid negative stereotyping in advertisements.

However, in this advertisement the Panel considered that neither the haircut nor the boy is portrayed in a negative light, rather it shows that the boy is disappointed that he can't get the haircut through the delivery service, and the voice-over apologises to him for not being able to provide it."

The Panel noted the boys have an Australian accent at both the start and end of the advertisement. In the current advertisement the Panel considered that the 'before' depiction of the two boys did not depict them in a manner consistent with racial stereotypes. The Panel noted that the change in haircuts at the end of the advertisement was to show they have styled themselves after AFL players, reflecting their change in interests.

The Panel considered that the theme of the advertisement is that the two boys discover a new hobby which overtakes their life, represented by puzzle and dinosaur graphics replaced by AFL themed pyjamas. The Panel considered that there is no reference in the advertisement to the boys being more Australian or fitting in with Australian culture better after discovering the new hobby, rather the emphasis is on their becoming footy fans.

Overall, the Panel considered that the advertisement did not show the children to receive unfair or less favourable treatment because of their race, and did not humiliate, intimidate or incite hatred, contempt or ridicule of them or any group on account of race.

Does the advertisement discriminate against or vilify based on gender?

The Panel noted that the Practice Note for this section of the Code states:

*"Harmful gender stereotypes are unacceptable because they perpetuate unconscious bias and rigid norms of femininity and masculinity that shape what it means to be a girl, woman, boy or man.
Advertisements should take care to avoid suggesting that skills, interests, roles or characteristics are:*

- always uniquely associated with one gender (eg. family members creating a mess while a woman has sole responsibility for cleaning it up);*
- the only options available to one gender; or*
- never carried out or displayed by another gender, as this may amount to discrimination on the basis of gender."*

The Panel noted that the advertisement depicted a mother carrying shopping bags at two points in time, twelve months apart. The Panel acknowledged that there is an existing stereotype that mothers are responsible for all domestic tasks. However, the Panel considered that in this instance showing the mother fleetingly in the background of the advertisement was not a suggestion that the mother has sole responsibility for the domestic tasks in the household.

Overall, the Panel considered that the advertisement did not show a harmful gender stereotype in a way that shows women to receive unfair or less favourable treatment because of their gender.

Section 2.1 conclusion

The Panel considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race or gender and determined that the advertisement did not breach Section 2.1 of the Code.

Conclusion

Finding that the advertisement did not breach the Code on other grounds, the Panel dismissed the complaints.