

COMPLAINT NUMBER	18/360
COMPLAINANT	G Dacey
ADVERTISER	Vodafone NZL
ADVERTISEMENT	Vodafone, Television
DATE OF MEETING	24 October 2018
OUTCOME	No Grounds to Proceed

Advertisement: The television advertisement for Vodafone My Flex Prepay shows a woman sitting in her car with the words “The future according to Nicole” written across the screen. The woman appears to be in traffic and is talking to her partner on speaker phone. He says “The kids are going nuts, how far away are you?” She says “Sorry babe, it’s bumper to bumper”. She then turns to the camera and says “Family life chews through the minutes... and describes the My Flex Prepay Plan she has with Vodafone which includes “a chunk of data for me” When she hears a child’s voice say “I need go toilet” she says “Ooh, movement, bye”, and ends the call. The advertisement moves to a wide shot and shows the woman parked at the beach eating a cupcake and watching content on her phone. The advertisement ends with the Vodafone logo.

The Chair ruled there were no grounds for the complaint to proceed.

Complainant, G Dacey, said: The advertisement for “MyFlex prepay, the future by Nicole™ used by Vodafone NZ.

I saw this advert for the first time tonight without the sound. It features a woman stuck in traffic driving a car and talking about her mobile phone. At the end of the ad you see she has parked the car, but only after you have seen a string of potential driving offences that I believe encourage bad driving.

The woman in the car is speaking to camera, then towards the end of the clip, she is apparently moving forwards in the car, and at the same time is holding and eating a cream cake in her left hand. As the ad progresses, we then see her still eating the cream cake in her left hand, and then using her right hand to cross over and use her mobile phone, effectively taking both hands off the steering wheel.

I believe this advert encourages poor standards of driving in several ways.

Firstly, through not being focused on the road and the driving situation, and this must be a priority at all times, even in stationary traffic.

Secondly, eating whilst driving. This implies that it is ok to eat and drive. It is not ok, as it is a road safety issue. This results in being distracted whilst driving, and driving without due care and attention.

Thirdly, taking both hands off the wheel to eat and then to use the Mobile phone. How bad can it get?

It is only after seeing the end you realise she is parked in the car. However, the implication of eating and using the phone whilst driving have already been made.

I believe this advert encourages bad driving. NZ is a country with an unacceptably high level of road accidents and fatalities. I have seen too many road fatalities in my line of work as a paramedic, and feel strongly that ads such as this only normalise bad driving habits. This type of ad should not be allowed, and there are other ways to sell a product.

The relevant provisions were Code of Ethics, Rule 12 and Basic Principle 4.

The Chair noted the Complainant's concerns the advertisement encouraged poor driving standards as the actor in the advertisement appeared to be talking on the phone and eating while driving.

The Chair said "The future according to Nicole" scenario in the Vodafone My Flex advertisement showed a woman making the most of her journey home from work to take time out for herself, in the same way that she used the flexible prepay plan in a way that best worked for her.

The Chair acknowledged the importance of responsible driving, but she considered the end of the advertisement made it clear the actor had been in a parked car. Revealing this to the audience provided context for her actions in calling her family using a hands-free option in the car, along with eating in the car.

In her view, the scenario in the advertisement was light-hearted and did not meet the threshold to encourage a disregard for safety.

In light of the above, the Chair said the advertisement was not in breach Rule 12 and had met the required standard of social responsibility under Basic Principle 4 of the Code of Ethics.

Therefore, the Chair ruled that there were no grounds for the complaint to proceed.

Chair's Ruling: Complaint **No Grounds to Proceed**

APPEAL INFORMATION

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website www.asa.co.nz. Appeals must be made in writing via email or letter within 14 days of receipt of this decision.