



## Case Report

1	Case Number	0025/12
2	Advertiser	Pilot Pen Australia Pty Ltd
3	Product	Office goods/services
4	Type of Advertisement / media	TV
5	Date of Determination	08/02/2012
6	DETERMINATION	Dismissed

### ISSUES RAISED

- 2.6 - Health and Safety within prevailing Community Standards
- 2.1 - Discrimination or Vilification Gender
  - Other Social values

### DESCRIPTION OF THE ADVERTISEMENT

A man is following a hand written recipe for soup. The word 'leak' is misspelled 'leek'. The man unzips his trousers and through sound effects we are lead to understand that he is urinating in the soup whilst wondering how his grandmother managed this. The voiceover says 'Fix it with Frixion' and we are shown how the word 'leak' is erased and replaced with 'leek'.

### THE COMPLAINT

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

*The man reads the word "leak" in the recipe he is cooking, unzips his pants and urinates into the pot he is cooking in. This is extremely offensive and makes me feel physically ill. Aside from the obvious play on the word "leak"/"leek" the whole idea of someone urinating into food being prepared is extremely repulsive and may even give some people the idea that this appalling behaviour is funny usual or normal. It is not and I would expect that any decent person would be against at this ad and wish it to be removed from the media immediately.*

*The man in the advertisement URINATES into the cooking pot and makes a reference to his grandmother doing the same.*

*This ad is offensive and no more than schoolboy toilet humour. It is not funny nor does anything to sell the product to me. The thought that a man can't interpret a spelling mistake is also offensive and ridiculous. I am sure many people will feel the same especially the older generation and I would certainly feel uncomfortable with young children seeing this ad. If feel this advertisement is offensive because it implies that the person shown in the advertisement urinates in a cooking pot because the recipe calls for "leeks". Then at the end of the advertisement he wonders "how his grandmother does this?" I think the whole nature of this advertisement does not in any way advertise "pens". Whether the word is spelt "leek" or "leak" is not important as it is printed in a cook book. I do not think that this type of content needs to be shown on television at a time when young children and young teenagers are watching TV. Urinating in a cooking pot has nothing whatsoever to do with pens. I am offended by this advertisement because the man appears to un-zip his jeans and urinate into the cooking pot - then the error in the recipe is erased and corrected. The advertisement is disgusting and offensive in my opinion. This is one of the sickest ads I have ever seen. Please do something about it.*

## **THE ADVERTISER'S RESPONSE**

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

### *Campaign overview*

- *The ad is part of a series of 4 ad executions, 2 of which are running on TV.*
- *The ads reflect scenarios relating to the following typos:*
  - o *Leek/Leak*
  - o *Friar/Fryer*
  - o *Gorilla/Guerrilla*
  - o *Coworkers/Co-workers*
- *The ads are currently airing on Channel 7 and Channel 10 Networks.*
- *These ads were shown during a national Cinema campaign in January 2011.*

### *Response to complaints raised*

*There are a total of 9 complaints included in the letter from ASB. In summary, they relate to:*

1. *The act of urinating into a pot/soup.*
2. *The ad implying that males are stupid.*
3. *The reference to his grandmother.*
4. *The appropriateness of scheduling.*

### *Response*

1. *The ad does infer, through sound effects (not through visuals), that this is the potential outcome of the typo made in the recipe. The ad also infers that this would easily be avoided by using the Pilot Frixion pens. The idea anyone would actually perform this act is very farfetched. We would never assume that it could happen in reality and it is clearly made in a humorous way (although not to everyone's liking).*
2. *In no way does the ad imply that males are stupid, only that the person in the ad directly followed/carried out the typo, which is what the whole campaign is about. The ad requires one person and we could just as easily have chosen a female. We do not compare males*

*against females and we do not state that males are less intelligent than females. We simply used a male actor.*

*3. The reference to the grandmother where the actor is thinking 'I wonder how Nanna does this?' is there to further illustrate the absurdness of his action, i.e. how unlikely it is that anyone would actually perform this and that it is meant to be interpreted in a humorous way.*

*4. CAD has classified this television commercial to be a (W) rating, which means it complies with the (G) general classification criteria but requires special care in placement in programs promoted to children or programs likely to attract a substantial child audience. The programming schedule was selected to satisfy these criteria. The CAD reference number is WVAJICBA.*

*Addressing Section 2 of the Advertiser Code of Ethics*

*Having read Section 2 of the Advertiser Code of Ethics, we believe that the complaints could fall broadly against paragraphs 2.1, 2.4, and 2.8 as outlined below. We refer to responses beneath each paragraph.*

*2.1 Advertising or Marketing Communications shall not 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, sex, age, sexual preference, religion, disability or political belief.*

*Response: One complaint states that we imply males are stupid. This has been addressed in point 2 in the previous section.*

*2.4 Advertising or Marketing Communications to Children shall comply with the AANA's Code of Advertising & Marketing Communications to Children and section 2.6 of this Code shall not apply to advertisements to which AANA's Code of Advertising & Marketing Communications to Children applies.*

*Response: As stated in point 4 above, we have followed the criteria relating to the W rating awarded by CAD in terms of our scheduling. As a result of these complaints, we have asked both TV Networks to confirm the scheduling.*

*• Network Ten response: 'I have checked again with our CAT guys and there are no Pilot Pens spots that are having class issues. The classification of G and W restricts airing in C and P programs in which you are not booked into.'*

*• Seven response: 'All spots are booked in with the correct classification. This is heavily monitored by the network as we will receive a fine if something does run out of classification.'*

*2.8 Advertising or Marketing Communications for food or beverage products shall comply with the AANA Food & Beverages Advertising & Marketing Communications Code as well as to the provisions of this Code.*

*Response: Some complaints refer to the act of urinating in food or pots used for food preparation. However, our ad is not for food or beverage products.*

## **THE DETERMINATION**

The Advertising Standard Board ('the Board') considered whether the advertisement complied with the AANA Code of Ethics ('the Code').

The Board noted the complainants' concerns that the advertisement implies men are stupid and shows a man urinating in soup.

The Board noted that bad taste is not an issue which falls under the provisions of the Code and considered that whilst many complainants were concerned that this advertisement was in poor and/or bad taste, this is not something which the Board can adjudicate on.

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

The Board first considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of...gender...'

The Board noted that the advertisement depicts a man following a recipe for soup and that the word 'leek' has been misspelled as 'leak' so after a pause he unzips his flies and we hear the sound of what is meant to be him urinating in the soup.

The Board noted the complainants' concerns that the advertisement portrays the man as stupid as so is offensive to men as a whole. The Board considered that most members of the community would find the advertisement to be funny and would recognise that the man is just following a recipe to the letter rather than thinking about whether it is a reasonable ingredient to add to a soup. The Board considered that the advertisement does not imply that men are less intelligent than women.

Based on the above the Board determined that, in this instance, the advertisement did not depict any material that discriminated against or vilified any person or section of society. The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board then considered whether the advertisement was in breach of Section 2.6 of the Code. Section 2.6 of the Code states: "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety".

The Board noted the complainants' concerns about the health and safety implications of urinating in food and considered that most members of the community would recognise the unrealistic nature of the advertisement and that humour is being used to make the point that Pilot Pens can be used as erasers as well as pens.

The Board considered that the advertisement is not condoning urinating in food or suggesting that this is an action which should be copied. The Board considered that reasonable members of the community would know that urinating in food is not an acceptable practice.

The Board determined that the advertisement did not depict material contrary to prevailing community standards on health and safety and 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.

