



**ADVERTISING
STANDARDS
BUREAU**

Level 2, 97 Northbourne Avenue, Turner ACT 2612
Ph (02) 6173 1500 | Fax (02) 6262 9833
www.adstandards.com.au
ACN 084 452 666

Case Report

1	Case Number	0014/14
2	Advertiser	Meat & Livestock Australia Ltd
3	Product	Food and Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	24/01/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

Food and Beverage Code 2.1 (a) - Misleading / deceptive
Food and Beverage Code 2.2 - healthy lifestyle / excess consumption
Food and Beverage Code 2.4 misleading nutritional/health claims
- Other Social Values
2.1 - Discrimination or Vilification Ethnicity
2.1 - Discrimination or Vilification Gender
2.1 - Discrimination or Vilification Lifestyle Choices
2.1 - Discrimination or Vilification Nationality
2.1 - Discrimination or Vilification Other
2.1 - Discrimination or Vilification Race
2.1 - Discrimination or Vilification Sexual preference
2.3 - Violence
2.5 - Language Inappropriate language
2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

Lambassador advertisement for 2014 featuring Sam Kekovich promoting the consumption of lamb on Australia Day. Sam announces he will be taking a step back from his crusade and calls upon the public to step up and continue the fight to protect the next generation from the perils of un-Australianism.

Sam mistakenly calls a woman "sir", hands a lamb chop to a toddler wearing a "vegan and proud" slogan on his body suit and hands a plant to the toddler's parents. Towards the end of the advertisement we see a giant toddler standing on people eating tofu at a BBQ and then Sam holds a baby aloft and the super on screen reads, "Set the example for Generation Lamb".

THE COMPLAINT

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

It instigates that child will not grow up strong and will be un-Australian if they do not eat and enjoy lamb. Also being derogatory to vegans and vegetarians calling them hippies and un-Australian for their compassionate lifestyle choices.

"If you don't have sprogs of your own, then teach someone else's how it's done" - while handing a lamb chop to a child wearing a "vegan and proud" T-shirt. This is the wrong kind of message and is very narrow minded, no wonder Australians are racist and don't associate well with minority groups.

Offensive to lesbian and gay community, offensive to parents raising vegan children, offensive to those who choose to not consume lamb saying they are not supportive of the country Australia, declaring it to be unaustralian is very offensive.

It's homophobic to typecast lesbians as looking like men. It is offensive to imply that vegans do not look after their children by not feeding them lamb.

The advert is offensive in many ways. Firstly, it is completely insensitive to people who are vegan or vegetarian for many reasons. Australia has freedom of religion, and many religions are vegetarian. To tell people who are vegetarian or vegan that they are un Australian is offensive, particularly to people who are new arrivals to Australia.

THE ADVERTISER'S RESPONSE

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

We refer to your letters regarding complaints the Advertising Standards Bureau (ASB) received in relation to the Meat & Livestock Australia's (MLA) Australia Day commercial (television and online). We have considered the allegations, and for the reasons set out below, submit that the complaints should be dismissed.

The 60 second TVC is the tenth annual Meat & Livestock Australia Day advertisement. The Sam Kekovich advertisements are well-known for their satirical, tongue in cheek expression. MLA notes that the ASB has historically taken a robust approach to the content of these advertisements (see, for example, 33/08).

In the 2014 TVC, Sam announces he will be taking a step back from his crusade and calls upon the public to step up and continue the fight to protect the next generation from the perils of unAustralianism. Sam humorously declares that it is the responsibility of all Aussie adults to get behind the cause and set the right example for 'Generation Lamb' by eating lamb this Australia Day.

The advertisement is clearly targeted at adults, particularly with lines such as "now you must educate the new generation". Given the P rating, the TVC has not appeared during any children's programming, as Annexure B makes clear.

The complaint

The complaints allege that the advertisement is discriminatory, violent and misleading. The ASB has raised these issues under Section 2 of the AANA Code of Ethics (the Code) and Section 2 of the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code).

The Code

Section 2.1 of the Code states that "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, gender, age, sexual preference, religion, disability, mental illness or political belief."

Section 2.3 of the Code states that "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised."

Section 2.5 of the Code states that "Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided."

Section 2.6 of the Code states that "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety."

The Food Code

Section 2.1 of the Food Code states that "Advertising or Marketing Communications for Food or Beverage Products shall be truthful and honest, shall not be or be designed to be misleading or deceptive or otherwise contravene Prevailing Community Standards, and shall be communicated in a manner appropriate to the level of understanding of the target audience of the Advertising or Marketing Communication with an accurate presentation of all information including any references to nutritional values or health benefits."

Section 2.2 of the Food Code states that " Advertising or Marketing Communications for Food or Beverage Products shall not undermine the importance of healthy or active lifestyles nor the promotion of healthy balanced diets, or encourage what would reasonably be considered as excess consumption through the representation of product/s or portion sizes disproportionate to the setting/s portrayed or by means otherwise regarded as contrary to Prevailing Community Standards."

Section 2.4 of the Food Code states that " Advertising or Marketing Communications for Food or Beverage Products which include nutritional or health related comparisons shall be represented in a non misleading and non deceptive manner clearly understandable by an Average Consumer."

MLA takes these allegations very seriously and contends that the complaints should be dismissed.

Submissions

MLA submits that the TVC is a light-hearted, comical plea for meat eaters to eat lamb this Australia Day. This view is reinforced by the ASB's previous comments that MLA's "Australia Day advertisements are now well known for their irreverent tongue in cheek humour during their short term January campaign" (see 24/11, 20/10 and 27/09).

Many of the complaints raise matters of taste. Making fun of certain things is said to be "stupid", "dumb", "offensive", "disrespectful", "not socially or morally responsible" and the like. None of these characterisations is a basis for complaint under the Code or the Food Code. Over the top humour will always be seen as in bad taste by some and as involving "cheap shots" to get a laugh. However, laws and codes dealing with discrimination and vilification are drafted to balance the need to preserve the general right to free speech with appropriate prohibitions on certain types of speech. They do not extend to prohibit the expression of opinions or jokes about lifestyle choices such as how people dress, their hairstyles or their dietary preferences. Those statements or opinions do not have to be in good taste and it does not matter that those with differing views see them as being in bad taste or offensive to them or disrespectful. As a result vegetarians and vegans can and do make disparaging comments in their advertising about meat eaters. The complaints often repeat such comments about meat eaters supporting cruelty to animals and the like. MLA is of the view that a diet that includes meat is the best dietary choice, that such a diet has long been recommended by experts and has been part of growing up in Australia for most Australians and that it will continue to help children grown up strong and healthy. The laws and codes rightly give MLA considerable freedom to use humour, even of dubious taste, to communicate these messages.

MLA's Australia Day campaigns are designed to increase sales of lamb over the Australia Day long weekend. Over the past ten years, MLA has endorsed eating lamb on Australia Day. The satirical mission to fight "unAustralianism" links to the idea of a lambless Australia Day and is not a gratuitous attempt to offend those who do not eat lamb. Since the Australia Day campaign's inception in 2005, MLA has experienced a strong uplift in lamb sales for the campaign period versus the annual weekly average. This uplift has seen a dramatic increase over the last four years, culminating in a record sales period in 2013 as outlined in Annexure C. These results indicate that the playful, light-hearted style of the campaigns featuring popular culture references are proving highly successful and the formula by which we judge the creative work is effective. The 2013 campaign also received numerous industry awards and advertising accolades.

MLA measures the impact of its campaigns to ensure that its marketing communications are effective across all sectors of the community. MLA engages Millward Brown to review all its campaign materials, including the Australia Day 2014 TVC. Millward Brown pays keen attention to the areas of branding, engagement, and both rational and emotional responses to MLA's advertisements. The data collected as part of this process is then used as the basis for the brief development for the subsequent Australia Day campaigns. Sustained recognition and engagement results above both MLA and industry norms validate the campaign's messaging and execution.

1.1 Alleged discrimination / vilification

(a) *Vegetarianism, veganism and lifestyle choices*

At the outset, we note that dietary choices are not one of the criteria on which people could be discriminated against or vilified in breach of Section 2.1 of the Code. Even if it was, we submit that the impugned advertisement does not discriminate against or vilify people on account of their dietary choices. This position has been supported by the ASB in similar decisions (see 24/11 and 41/11).

The advertisement is clearly exaggerated and spoofy, using humour to promote lamb. The advertisement does not make any disparaging comments about vegans or the vegan lifestyle or suggest that vegans are 'bad parents'. The line "teaching a tot to love lamb is the most pressing duty of every Aussie parent" is plainly a fanciful and sarcastic comment. MLA submits that the reasonable viewer would understand that loving lamb is obviously not "the most pressing duty" of an Australian parent. It is unreasonable to claim that this humorous remark should be taken seriously as a means of disparaging vegan parenting or a vegan diet.

(b) *Religion, ethnicity and race*

MLA submits that the TVC does not promote any act of prejudice on the grounds of religion or race. As the ASB has previously held (24/11), the encouragement to eat lamb in the advertisement does not vilify or discriminate against people on account of their religion or race as there is no serious disparagement of those who do not eat meat, particularly those who abstain for religious or cultural reasons. Furthermore, the TVC makes no mention of any religion or race, whether specifically or in general. Vegetarian and vegan dietary choices are not particular to one specific religion or race. Vegetarians and vegans subscribe to different religions or no religion at all so it cannot be said that the TVC discriminates against or vilifies a particular religion or race.

(c) *Sexual preference and gender*

MLA submits that the complainants have misconstrued certain aspects of the TVC. Sam Kekovich's face at 0.22s is one of embarrassment, due to a humorous case of mistaken identity. Sam's reaction is due to the awkwardness of his misunderstanding and has nothing to do with the couple's sexual preferences. Sam does not promote any prejudice against the couple or treat them any differently to the other families. Sam does not mention homosexuality in his satirical rant. This scene could have depicted a long-haired man mistaken by Sam for a woman.

Several complainants have suggested the TVC implies that homosexuals are unAustralian. However, the satirical premise of the TVC is that a lambless Australia Day is unAustralian and yet the same-sex couple is shown barbecuing lamb in the park. The TVC does not suggest that same-sex couples are unAustralian. In fact, the TVC suggests that the same-sex couple is the opposite of unAustralian as they are shown cooking lamb.

The final park scene in the TVC celebrates Australia's rich diversity with many different families, including interracial couples and the same-sex couple shown earlier in the TVC. At 0.54s, the same-sex couple appears in the park, along with the other families, cheering Sam and his Generation Lamb mission. The TVC is inclusive, not discriminatory. Lamb is a product that appeals to and is bought by people irrespective of gender or sexual preference and MLA had no intent or reason to broadcast a TVC that discriminated against some of them.

Certain complainants claim that the depiction of "butch" lesbians is a discriminatory stereotype. However, MLA submits that the TVC contains many light-hearted caricatures including long-haired hippies and tofu-eating hipsters. These caricatures are visibly

exaggerated and do not create negative impressions of such sectors of society. MLA contends that the reasonable viewer would recognise the humour in these caricatures and would appreciate that not all lesbians are "butch", not all hippies have long hair, and not all hipsters eat tofu.

(d) Overall

We submit that the TVC does not promote any act of inequity, bigotry or ridicule towards vegetarians, vegans, same-sex couples, women, or those of particular religions or races. Similarly, it does not vilify in the sense of humiliating, intimidating or inciting hatred towards any such members of society.

MLA submits that any reasonable viewer would recognise this advertisement as involving satirical humour and that individual references or statements of Sam will be seen in this context. Whilst not every viewer may find the TVC funny, the advertisement does not discriminate against or vilify the aforementioned groups. As the ASB has previously stated, the MLA Australia Day commercials are "over the top and [are] not intended to be taken seriously by members of the community" (20/10).

For these reasons, the impugned TVC cannot be considered by the community as a portrayal of discrimination or vilification on account of religion, race, gender, sexual preference or other. We therefore submit that Section 2.1 of the Code has not been breached.

1.2 Violence

MLA submits that the TVC does not present or portray any act of violence under Section 2.3 of the Code. The Macquarie Dictionary defines "violence" as rough force in action. Reasonable members of the community will not perceive Sam Kekovich's satirical handing of the lamb chop to the young girl as a "malicious attack" or rough force on the child. Not only does the child not consume the lamb, but she is not hurt or endangered at any time throughout the advertisement. Similarly, the scene depicting the giant baby is clearly farfetched and fanciful. The reasonable viewer would not consider this scene to be realistic or a portrayal of violence.

1.3 Language

One complainant suggested that the term "sprogs" is a derogatory and offensive term for children. The Macquarie Dictionary defines "sprog" as a colloquial word for a baby or young child. MLA submits that this word is not an obscene term, and that the language used in the TVC is appropriate in the circumstances for the relevant audience.

1.4 Health and safety

MLA submits that the TVC does not promote bullying or is in breach of Section 2.6 of the Code. The advertisement does not present any derogatory language, nor does it promote violence or harassment. In the advertisement, Sam Kekovich does not physically, verbally or indirectly abuse or bully any person, including the vegan family or the same-sex family.

MLA does not condone the force-feeding of children. MLA also understands the risks of feeding children without the consent of the relevant parent or guardian, particularly in light of the rise of allergies in children, as well as the perils of 'stranger danger'. However, MLA contends that the reasonable viewer would appreciate the humour in the scene where Sam hands a lamb chop to a young child. The child does not eat the lamb, nor does Sam force the child to eat the lamb. The scene is farfetched and tongue in cheek. Based on the tone of the TVC and the relevant audience, MLA submits that the advertisement does not depict or encourage material contrary to Prevailing Community Standards on health and safety.

Furthermore, MLA notes that Sam hands the hippie couple an Oriental Maple and not

marijuana. MLA does not condone drug use and the TVC does not suggest that all hippy-type members of society are drug users.

*1.5 Misleading or deceptive marketing / promoting a healthy balanced diet
Several complainants have suggested the line "we want these little cherubs to grow up big and strong to fight unAustralianism" is misleading or deceptive. The statement "Feed them lamb so they grow up big and strong" conveys a message that lamb makes a contribution to the healthy growth and development of children. A number of complaints allege that this is misleading in that meat like lamb is not relevant to a healthy diet or worse that it is actually unhealthy. There is no reference to any scientific support for these claims and, to the contrary, MLA notes that:*

a) A serving of lamb is a good source of iron, zinc, vitamin B12 and protein which are recognised as important for normal growth and development in children. Standard 1.2.7 of the Food Standards Code would allow health claims to this effect to be made in advertising or on labels; and

b) The current Australian Dietary Guidelines published in 2013 by the National Health and Medical Research Council recommend that a diet include 65g per day or 130g every second day of cooked lean red meat such as lamb.

Some of the complaints also allege that the statement suggests that if parents do not feed their children lamb then they will not grow up big and strong. The sentence does not expressly say this and there is no reason why a viewer should take out this message. Nor was it intended. MLA is of the view that other red meats like beef can also be part of a healthy, balanced diet and the statement is not going to be taken to suggest otherwise or to suggest that eating beef rather than lamb will mean that children will not grow up big and strong. An advertiser can promote the benefits of its product without having to set out all other products that might share some or all of those benefits. This does not mislead consumers. It is for the promoters of the other products to separately communicate their benefits.

One complainant suggested that the TVC claims that "lamb is the only food necessary" in a healthy and balanced diet and that "green foods...are an unnecessary part of diet". MLA submits that this complaint is unfounded. The TVC simply encourages the eating of lamb on Australia Day. The advertisement in no way suggests that lamb is the only food required to maintain a healthy diet, and the reasonable viewer would not take away this tenuous message. Similarly, MLA rejects the proposition that the TVC contains a nutritional or health related comparison, let alone one that is misleading or deceptive. Unlike one complainant suggestion, the TVC does not state that "chia seeds are pretentious and an unnecessary food", nor does the TVC contain a scene depicting Sam Kekovich eating a leaf.

Conclusion

In view of the above, we consider the complaints should not be upheld.

Thank you for taking the time to consider our response. We look forward to receiving the ASB's determination in this matter.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code) or section 2 of the Advertiser Code of Ethics (the “Code”).

The Board noted the complainants’ concerns under the Food Code that the advertisement is misleading in its claim that eating lamb will make you strong and healthy; it undermines a healthy lifestyle and makes health comparisons which are not backed up with facts. The Board also noted the complainants’ concerns under the Code of Ethics that the advertisement is discriminatory towards people on account of gender, sexual preference, lifestyle choices, ethnicity and nationality, that it depicts violence, inappropriate language and bullying behaviour and that it depicts material contrary to prevailing community standards on health and safety.

The Board noted that it had previously considered similar advertisements (27/09, 20/10, 24/11) for the same advertiser where it noted that “...the Australia Day advertisements are now well known for their irreverent tongue in cheek humour during their short term January campaign.”

The Board noted that in this instance the advertisement is a continuation of the irreverent theme used in past versions of the advertiser’s promotion of lamb for Australia Day and considered that whilst some members of the community could find the advertisement to be in poor taste, as the issue of taste does not fall under the Code of Ethics the Board is unable to consider this aspect of the complaints when making its determination. The Board noted that its determination is based only on the provisions of the prevailing advertiser Codes.

The Board noted the advertisement had been rated 'PG' by CAD.

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

The Board noted that the product advertised is food and that therefore the provisions of the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code) apply. In particular the Board considered Section 2.1 of the Food Code which provides:

'Advertising or marketing communications for food ...shall be truthful and honest, shall not be or be designed to be misleading or deceptive or otherwise contravene prevailing community standards, and shall be communicated in a manner appropriate to the level of understanding of the target audience of the Advertising or Marketing Communication with an accurate presentation of all information including any references to nutritional values or health benefits.'

The Board noted that 'prevailing community standards' means the community standards determined by the Advertising Standards Board as those prevailing at the relevant time, and based on research carried out on behalf of the Advertising Standards Board as it sees fit, in relation to the advertising or marketing of food or beverage products taking into account at a minimum the requirements of the Australia New Zealand Food Standards Code, the Australian Dietary Guidelines as defined by the National Health and Medical Research

Council and the National Physical Activity Guidelines as published by the Federal Government of Australia.'

The Board noted the explanatory notes to the Food Code prepared by AANA which, in relation to Section 2.1, provide:

“The Board will not attempt to apply legal tests in its determination of whether advertisements are truthful and honest, designed to mislead or deceive, or otherwise contravene prevailing community standards in the areas of concern to this Code.

In testing the requirement that advertisements and/or marketing communications should be truthful and honest, the Board will consider whether the information most likely to be taken from the advertisement by an average consumer in the target market would be reasonably regarded as truthful and honest.

In testing the requirement that advertisements and/or marketing communications should not be designed to be misleading or deceptive, or otherwise contravene prevailing community standards, the Board will consider the advertiser’s stated intention, but may also consider, regardless of stated intent, that an advertisement is by design misleading or deceptive, or otherwise contravenes prevailing community standards in particular regard to stated health, nutrition and ingredient components of the food or beverage product.

Thus, advertising and/or marketing communications may make reference to one or more of the nutritional values and/or health benefits of a product but such references must be accurate and appropriate to the level of understanding of the target audience, and must not misleadingly represent the overall nutritional or health benefits of the product...”

The Board noted that the advertisement features Sam Kekovich promoting the consumption of lamb on Australia Day.

The Board noted the complainants’ concerns that the advertisement suggests that only by eating meat can you be healthy and strong and that this message is misleading as people who do not eat meat can be healthy.

The Board noted that in one scene Sam comments that “we want these little cherubs to grow up big and strong” and considered that whilst Sam is clearly encouraging consumers to buy and eat lamb in the Board’s view the statements made regarding the health benefits of eating lamb are not specific.

The Board noted that whilst the advertisement does imply that eating lamb is preferable to being a vegan the Board considered that the advertisement does not make any specific claims that you can only be strong and healthy if you eat meat. The Board noted that the focus on the advertisement is to encourage people to eat lamb on one specific day of the year and considered that the advertisement does not suggest you should eat lamb every day or that you should not eat any other foods.

The Board considered that most members of the community would recognise that the advertisement is making a tongue in cheek reference to eating meat in order to promote the advertised product and that overall the advertisement is not misleading or deceptive.

The Board determined that the advertisement did not breach Section 2.1 of the Food Code.

The Board considered Section 2.2 of the Food Code which provides:

'Advertising or marketing communications for food ...shall not undermine the importance of healthy of active lifestyles...or encourage what would reasonable be considered as excess consumption...'

The Board noted the complainant's concern that the advertisement suggests lamb is the only necessary food. The Board noted that the advertisement is promoting the consumption of lamb on one specific day, Australia Day, and that in one scene Sam is shown encouraging a child to play cricket in lieu of an electronic game. The Board considered that the advertisement did not undermine the importance of a healthy lifestyle.

The Board noted that where lamb is featured in the advertisement the portion sizes are small and considered that the advertisement does not depict or encourage excess consumption of any food including lamb.

The Board determined that the advertisement did not breach Section 2.2 of the Food Code.

The Board considered Section 2.4 of the Food Code which provides:

'Advertising or marketing communications for food or beverage products which include nutritional or health related comparisons shall be represented in a non-misleading manner.'

The Board noted the complainant's concern that the advertisement suggests lamb is necessary but offers no evidence to back up this claim. The Board noted that Sam is promoting the consumption of lamb on one day of the year and considered that consistent with a previous determination against case 0041/11 for Australian Pork, the advertisement does not suggest that you should only eat lamb and does not make any nutritional or health related comparisons.

The Board then considered the Code of Ethics. The Board 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 race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.'

The Board noted the complainants' concerns that the advertisement is discriminatory towards people who choose not to eat meat. The Board noted that this issue is not within Section 2.1 of the Code and is therefore not within the Board's jurisdiction.

The Board noted the complainants' concerns regarding the suggestion in the advertisement that not eating lamb is un-Australian. The Board noted that as this is not within the definition of discrimination as per Section 2.1 of the Code this also falls outside of the Board's jurisdiction.

The Board noted the complainants' concerns that the advertisement is discriminatory towards lesbians because of the way in which Sam reacts when the person he has referred to as 'sir' turns out to be a woman with a short haircut.

The Board noted that Sam's reaction to the woman turning around after he has addressed her as 'sir' is of surprise and considered that this reaction is more likely to be understood as embarrassment that he has mistakenly addressed a female as 'sir'. The Board noted that the woman's reaction to Sam mistakenly called her, 'sir' is to look annoyed rather than upset and considered that no discriminatory language is directed towards the woman or towards anyone else in the advertisement. The Board noted that it had recently dismissed a case where a man mistakes a long-haired man for a woman (0418/13) and considered that consistent with its determination in that case, in this instance the behaviour of Sam is made to appear foolish rather than discriminating or vilifying against someone on account of their sexual preference.

The Board noted the complainants' concerns that the advertisement is racist in its depiction of a predominance of white Australians. The Board noted that the advertisement does feature people of different races and that Sam himself is of Serbian heritage. The Board noted that it is not their role to determine on the diversity of actors used in an advertisement and considered that the advertisement does not make any references to any particular nationalities, ethnicities or races. The Board considered noted that whilst the advertisement suggests not eating lamb is un-Australian in the Board's view this suggestion is tongue-in-cheek and is not directed at a particular race, ethnicity or nationality.

The Board noted the complainants' concerns that the advertisement is sexist in its depiction of Sam handing a cricket bat to a boy and a cooking implement to a girl. The Board considered that by handing a cricket bat to a boy Sam is not making a statement about gender but is encouraging a healthy and active lifestyle. The Board noted that traditionally in Australia it is men who use the BBQ and considered that the depiction of Sam handing BBQ tongs to a female child is not of itself discriminatory. The Board noted that we see adult men tapping BBQ implements against BBQs in the advertisement and considered that overall the advertisement does not depict any material which discriminates or vilifies a section of the community on account of their gender.

The Board noted that the overall tone and theme of the advertisement is intended to be humorous and considered that the advertisement did not depict material that discriminated against or vilified any person or section of the community.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Board noted the complainants' concerns regarding the image of the oversized toddler trampling on people at a BBQ.

The Board noted that this scene is clearly uses computer generated graphics to make the toddler giant-sized and considered that in the context of the advertisement's message to eat more lamb the depiction of the giant toddler is unrealistic and does not present, portray or encourage violence.

The Board determined that the advertisement did not breach Section 2.3 of the Code.

The Board considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: “Advertising or Marketing Communications shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided”.

The Board noted the complainant’s concerns over the use of the word, ‘sprog’ to describe a child. The Board considered that the word, ‘sprog’ is a term of endearment which is part of common Australian vernacular and in the Board’s view its use by Sam is in the context of his character in the advertisement. The Board considered that it is not a word which would be considered inappropriate, strong or obscene by most reasonable members of the community.

The Board determined that the advertisement did not breach Section 2.5 of the Code.

The Board considered 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 complainant’s concerns that the pot plant handed to a couple (who are portrayed as hippies) by Sam is marijuana. The Board noted the advertiser’s response that the pot plant is an Oriental Maple and considered that the advertisement does not encourage or condone the use of an illegal drug.

The Board noted the complainants’ concerns that Sam bullies a child in to eating lamb. The Board considered that Sam’s behaviour is over the top and fanciful and that his behaviour is not a depiction or encouragement of bullying.

The Board noted the complainants’ concerns that the depiction of Sam handing meat to a child wearing a vegan slogan on his body suit is against prevailing community standards as you should never give food to someone’s child without their permission. The Board noted that when Sam hands the child a lamb chop the child’s parents are next to him and considered that in the context of the fanciful nature of the advertisement most members of the community would not consider that Sam is seriously encouraging people to give food to children without that child’s parents’ knowledge or approval. The Board noted the complainants’ concerns that handing meat to a vegan child is not acceptable and considered that in the overall context of the advertisements irreverent tone, this action is unlikely to be viewed as an endorsement of feeding meat to children who are being raised on a meat-free diet.

The Board considered that the advertisement did not depict material contrary to prevailing community standards.

The Board determined that the advertisement did not breach Section 2.6 of the Code.

Finding that the advertisement did not breach the Food Code or the Code of Ethics, the Board dismissed the complaints.

