



## Case Report

1	Case Number	0030/15
2	Advertiser	Peters
3	Product	Food and Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	11/02/2015
6	DETERMINATION	Dismissed

### ISSUES RAISED

2.1 - Discrimination or Vilification Gender

### DESCRIPTION OF THE ADVERTISEMENT

The advertisement shows various scenes of summer scenarios including a man in a kids swimming pool, a girl in a bikini walking past a group of three men, a man in an apron diving for a cricket ball etc. A large group are seen on the beach eating ice-creams and the final scene shows images as the voiceover describes how to win tickets to different events by purchasing specially marked Drumsticks. "Rip Bite and Win!"

### THE COMPLAINT

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

*Sexism / Objectification of women - The advertisement features a scene where three male characters turn their heads as a bikini-clad woman walks past, and a line about the skimpiness of her clothing. This clearly sexualises and objectifies the woman and is creepy and inappropriate.*

*Homophobia - the scene with the woman is followed by a scene where a male person walks in front of the male characters in the ad wearing a speedo and the line "to much information" while the characters show disgust. This suggests that the male characters should be disgusted by a scantily clad man, but aroused by a scantily clad woman as they were earlier in the ad. The scene is clearly homophobic and discriminatory against same-sex attracted men.*

### THE ADVERTISER'S RESPONSE

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

*RE: Complaint reference number: 0030/15*

*I wish to confirm that Peters Ice Cream takes its advertising obligations very seriously and thank you for allowing us the opportunity to respond.*

*Regarding any potential issues under Section 2 of the AANA Code of Ethics, it is Peters Ice Cream's submission that the present complaint be dismissed and that no further action taken. In this regard, we make the following points:*

- The objective of the advertisement in question is two pronged – primarily to entertain and trigger memories of iconic moments of past Australian summers and secondly, to promote a consumer promotion, Rip, Bite & Win. We have portrayed moments/activities that people have shared with us as being historically associated with an Aussie summer and remember fondly – we have executed this through a lens of humour and entertainment.*
- The current advertisement is part of a long standing strategy of the Drumstick brand to highlight the rituals that Australians enjoy every day throughout summertime. Its intention is to celebrate those common rituals which are synonymous with an Australian summer and which Aussies continue to enjoy. Our intention is to demonstrate that eating an iconic Peters Drumstick cone is one of these cherished summer rituals and this summer, one can be rewarded for ripping into a Drumstick.*
- This same TV advertisement aired last summer across Free to Air, Digital and Subscription TV without the Rip, Bite & Win component. We can confirm that this complaint of 'sexism' and 'homophobia' is the only one of this nature that we have received for this advertisement. In fact, through our market research/brand tracking we can confirm we received a very positive response to this Drumstick advertisement, with the 'Enjoyment' rating surpassing the norm for Australian TVCs (as determined by research group Millward Brown). We have provided this as an attachment to further demonstrate the consistently positive response toward this TV advertisement.*

*We confirm that the scenes in questions were not created to offend or objectify any part of Australian society, but rather to highlight comedic, everyday situations that one might experience at or near a beach.*

*Specifically addressing the complaint 0030/15:*

*Re: Sexism / Objectification of women claim: In this scene we see three males admiring an attractive woman passing them by. They are all clearly at a beach (there is sand beneath their feet and beach paraphernalia all around them) and she is wearing a bikini – normal attire for a young lady at the beach. She is good looking, hence why they all turn to look at her. This behaviour is not uncommon and is often observed at the beach. The characters are all of a similar age, which mitigates any sense of "creepiness", and she is not expressing any discomfort at being admired. In fact, she walks proudly off screen with a little smirk on her face – clearly not fussed by the attention.*

*Re: Homophobia claim: This scene is in no way representative of homophobic behaviour. It's simply about a man, dressed in normal Australian beach attire, encroaching on another man's personal space.*

*The "too much information" lyric relates to the revealing nature of the Speedos male swimwear (a.k.a. budgie smugglers, which are often used comedically). It also suggests that he may be slightly underdressed for the occasion (in a beach-side eatery where all other patrons are fully clothed) and probably should have taken a wider path as he walks around the dining area. In no way does this scene insinuate that any characters are homosexual or*

*“disgusted” by same-sex orientations.*

*The advertisements went through the CAD approval process before release and these issues were not raised as concerns.*

*Peters Ice Cream submits that the advertisement complies in all respects with Section 2 of the AANA Advertiser Code of Ethics and respectfully requests that the complaints be dismissed.*

*Peters Ice Cream also submits that the advertisement complies with the AANA Code for Advertising and Marketing Communications to Children and the AANA Food and Beverages Marketing and Communications Code.*

*Peters Ice Cream appreciates the board’s careful consideration of our response to this complaint.*

## **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 features inappropriate material which is derogatory towards women and equally discriminatory toward same-sex attracted men.

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

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 advertisement features various scenes of summer scenarios including a man in a kids swimming pool, a girl in a bikini walking past a group of three men, a man in an apron diving for a cricket ball and a man in a red speedo closing passing another man sitting at a café table. A large group are seen on the beach eating ice-creams and the final scene shows images as the voiceover describes how to win tickets to different events by purchasing specially marked Drumsticks. "Rip Bite and Win!"

The Board noted the particular scene where a young woman in a white bikini walks past three young men who are leaning against a wall. The men notice the woman and watch her as she walks past. The Board noted that the men do not make any attempt to approach her and do not clearly make any comments about her or to her.

The Board noted that the advertisement is for ice-cream and that one of the men is eating an ice-cream. The Board considered that it is appropriate to see women in bikinis in summer and that behind the men there is a surfboard and towels suggesting they are very near the beach. The Board noted that it is reasonable for an advertiser to use attractive models in advertising to promote their products and considered that it is not of itself discriminatory to show women being admired by men in this way.

The Board then considered the scene where a man in a red swimsuit, squeezes past another man who is at an outdoor café having coffee with a woman. The Board noted that as the man is seated and as such the groin of the man in the swimsuit is almost at eye level. The Board noted that the background singing at this point of the advertisement sings “...too much information...” and considered that the combination of the visuals and the words depicts a humorous situation where the seated man is uncomfortable with the closeness of the man’s groin rather than depicting behaviour that is homophobic.

The Board considered overall that the advertisement does not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account

of their gender and did not breach Section 2.1 of the Code.  
Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.