



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0045/16</b>
<b>2</b>	<b>Advertiser</b>	<b>Smith's Snackfood Co Ltd The</b>
<b>3</b>	<b>Product</b>	<b>Food and Beverages</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>24/02/2016</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.3 - Violence Violence

### DESCRIPTION OF THE ADVERTISEMENT

We open on a stairlift engineer arriving at a house. The engineer rings the door bell and an old lady greets him. The engineer walks over to the stairlift and opens his toll box to reveal an open pack of Smith's Chips nestled inside. The engineer eats a Smith's Chips before getting to work on the stair lift.

The old lady creeps up behind the engineer and goes to steal a chip from the open packet. The engineer catches her and closes the lid of the tool box with his foot. The old lady is annoyed at being caught. She takes a step back and watches the engineer finish his work.

Once the engineer has fixed the lift he gets on it to test that it is working. Whilst he is looking away, the old lady sneaks up behind him and flicks a switch on the stairlift. The engineer, who is still sitting on the chair, presses a button to start the lift and suddenly goes flying up the stairs at break neck speed, before smashing through the upstairs window.

### THE COMPLAINT

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

*An old lady is attacking the handyman and taking the chips from his chip packet and eating.*

*This is morally wrong. When the children watch this advertisement they might think "We also can attack a child in school and steal the chips and eat".*

*I am a journalist. Before you telecast an advertisement you should check whether the advertisement does not break any moral concepts. If possible please send me a reply.*

*I don't like the company saying it is okay to kill someone so you can eat their Smith Potato chips. Also implying just because you old and no longer working you have to resort to murder because you can't afford to buy your own chips.*

*In this day of anti domestic violence, I was shocked and angered to see this violence against an old lady. She was clearly hurt as she was rubbing a sore hand.*

*Yes it's not real, yes she gets revenge, but it's very violent, and not except-able*

## **THE ADVERTISER'S RESPONSE**

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

*The Smith's advertisement referred to be the complainant is called 'Stairlift'.*

*The ad is an adaption of an advertisement created by Smith's sister company in the UK, Walkers Crisps. The advertisement originally went to air in the UK in March 2015.*

*We believe the advertisement is in line with acceptable community standards and is not as the claimant attests, "very violent,"*

*Smith's is a much loved brand, in Australia and this latest advertisement clearly demonstrates, in a tongue in cheek and exaggerated way, the lengths that some of our consumers will go to get their hands on a bag of the original and the best potato chip. The ad is thus a larger than life depiction, designed to communicate the irresistibility of Smith's chips, in a highly engaging way – with humour and with an unexpected twist at the end.*

*As indicated in the script, the toolbox is shut by the engineer with the intention of protecting his Smith's Chips. The toolbox "nearly catches the old lady's hand" – it does not hit her hand. She rubs her hand as a clear expression of "that was close", while she is thinking about how she can get her comeuppance. The fast moving chair lift and the trajectory of the engineer through the window of the house are depicted in an over the top exaggerated fashion.*

*The advertisement was pretested with Australian consumers prior to its usage in Australia and was one of the best performing advertisements we have ever tested, with key metrics confirming it was a highly engaging and entertaining piece of communication.*

*The campaign has been on air in free to air TV, Pay TV and on-line since 31 January, 2015 in a 30 second format. As at time of writing, we have not received any other feedback from*

*the thousands of consumers who have seen the advertisement, in either the UK or Australia, that the advertisement is in any way violent.*

*The commercial were submitted to CAD and were given a "J" rating". Details are: 30 second key number TSC2795S30; CAD Approval Number J2MO7FSF. A 15 second cut down version of the advertisement is currently in the process of obtaining CAD approval*

## **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 complainants' concerns that the advertisement depicts an act of violence.

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

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 that this television advertisement depicts a male engineer fixing an elderly woman's stair lift and when he closes the lid of his toolbox on her as she tries to take one of his chips she retaliates by adjusting the controls of the stair lift resulting in the engineer shooting up the stairs and exiting through a window halfway up the wall of the house.

The Board noted the complainants' concerns over the use of violence. The Board noted that when the elderly lady tries to take one of the engineer's chips he uses his foot to tap the lid closed. The Board noted that the woman's hand is not touched by the lid of the tool box even though she is shown to rub her hand and look at it. The Board considered that this action by the man in kicking the lid of the tool box is bad timing rather than an act of aggression and the scene was not depicting violence as it is clearly a fantastical situation. The Board considered that the advertisement did not encourage domestic violence.

The Board noted that the woman's reaction is to adjust the stair lift so that when the engineer tests it he is taken up the stairs at speed before going through the window. The Board noted that this scene is clearly fantastical and considered that most reasonable members of the community would recognise that this scene has been exaggerated for comedic effect and is not encouraging acts of violence against a person. The Board noted the complainant's concern that the advertisement suggests it is okay to kill someone so you can eat their chips and considered that the most likely message of the advertisement is that the advertised product tastes so good you will go to any lengths to eat it and that the demonstration of these lengths in the advertisement are intended to be humorous and not suggestive of causing actual harm to a person. The Board considered that the advertisement did not suggest that killing a person was acceptable for any reason, least of all to eat a snack food such as chips.

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

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