



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0057/19
2	Advertiser	Table One Espresso
3	Product	Food / Beverages
4	Type of Advertisement / media	Radio
5	Date of Determination	06/03/2019
6	DETERMINATION	Dismissed

ISSUES RAISED

2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

This radio advertisement contains the following voiceover:

[MV1] Hello, Table 1 espresso... [FV1] [phone filter] Can you tell me... about your 'Oreo Pancakes'? [MV1] Sure, we stack 3 hot fluffy pancakes... [FV1] [phone filter] Aha... [MV1] We swirl whipped cream all over them... [FV1] [phone filter] Mmmmm... [MV1] Then sprinkle crushed Oreos down the sides... [FV1] [phone filter] Keep going... [MV1] We Smother Butterscotch sauce all over the top... [FV1] [phone filter] Oh... yeah... [MV1] Then place a vanilla waffle cone on the side full of ice-cream... [FV1] [phone filter]...YES! (silence for a second) [MV1] Are.. you OK? [FV1] (Recovered completely, as if nothing happened) Yes. See you tomorrow for breakfast. [FVO] If that "sounds" good, just wait till you taste it!

THE COMPLAINT

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

It is played on the station frequently at all hours of the day, including when children are listening. The woman appears to be having an orgasm over the description of the



pancakes. It sounds like a sex scene/soft porn. Entirely inappropriate when children are listening and asking questions. I turn the radio down if it comes on when my son is around.

THE ADVERTISER'S RESPONSE

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

I refer to your letter dated 18 February 2019 regarding a complaint (Complaint) made by a complainant and submitted to Ad Standards on 2 February 2019. The Complaint concerns an advertisement (Advertisement) by Table One Espresso in relation to our Oreo Pancakes.

Description of the Advertisement

The Advertisement runs for 15 seconds and promotes Table One Espresso's Oreo Pancakes. A digital copy of the Advertisement accompanies this response.

The Advertisement involves a telephone conversation between a woman and a café worker in which the café worker describes to the woman how the café makes its Oreo Pancakes. The woman expresses her excitement as the description unfolds. The setting mimics the well-known scene in Katz's café from the movie When Harry met Sally. As a result, there is a double entendre as the woman expresses her excitement about the Oreo Pancakes. This is a device frequently used in G rated children's television shows and movies so that parents and their children will often enjoy different interpretations of the same content.

You will see from the accompanying script instructions that "even though [the Advertisement] is 'a bit sexy', we DO NOT want it 'too sexy'! When in doubt, please err towards 'classy' and 'fun'." We consider that the Advertisement is faithful to this instruction.

Broadcast of the Advertisement

The Advertisement has been regularly broadcast on Triple M Newcastle since July 2016. While we respect the right of any member of the community to complain about an advertisement, we also note that no other complaint has been received in relation to the Advertisement in the two and a half years that the Advertisement has been on air.

Section 2.2 of the AANA Code of Ethics

Your letter indicates that the Advertisement raises issues under section 2 of the AANA



Code of Ethics (Code).

We are satisfied that the Advertisement does not any raise any issue under any part of section 2 of the Code. We comment below in relation to each part of section 2.2.

2.1 - not portray or depict material 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 Advertisement does not depict material which discriminates against or vilifies a person or section of the community on any of these grounds.

2.2 - not employ sexual appeal in a manner (a) where images of Minors or people who appear to be Minors, are used; or (b) in a manner which is exploitative or degrading of any individual or group of people.

The Advertisement does not employ sexual appeal using Minors or people who appear to be Minors and is not exploitative or degrading of any individual or group of people. It involves two adults discussing how Table One Espresso's Oreo Pancakes are made.

2.3 – not present or portray violence.

The Advertisement does not present or portray violence.

2.4 - not present sex, sexuality or nudity.

The Advertisement does not present sex, sexuality or nudity. As noted above, the Advertisement mimics the well-known scene from When Harry met Sally, and presents in a fun way the excitement of Table One Espresso's customers about the Oreo Pancakes. That excitement about the product is readily able to be explained to a child who asks about the meaning of the Advertisement.

2.5 - not employ strong or obscene language.

The Advertisement does not employ strong or obscene language.

2.6 - not depict material contrary to Prevailing Community standards on health and safety.

The Advertisement does not depict material of this nature.

2.7 - clearly distinguishable as an Advertising or Marketing Communication.

The Advertisement is clearly distinguishable as such.



Conclusion

For the reasons set out above, we request that the Complaint be dismissed.

We look forward to your determination. If you require any further information, please do not hesitate to contact me.

THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement features sexual references which are inappropriate to be heard by children.

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

The Panel considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience".

The Panel noted that the radio advertisement featured a man describing a menu item to a woman over the phone, and the woman reacting as though she is having an orgasm

The Panel noted that this radio advertisement is regularly played on the Triple M network in Newcastle. The Panel noted that while the main demographic for this station is adults aged 40-54, it is likely that the station would be played by parents while their children were in the car and therefore the relevant audience would be broad and would include children (<https://www.gfk.com/en-au/insights/report/radio-audience-measurement-survey-summary-reports/>).

The Panel noted the complainants' concerns that the advertisement sounds like soft porn and is inappropriate for a broad audience.

The Panel noted the advertiser's response that the advertisement mimics a famous scene from the movie 'When Harry Met Sally' and that this double entendre would not be understood by children.

The Panel considered that while an adult interpretation of the woman's reactions would be that the advertisement was sexually suggestive, the most likely explanation a child would take of the advertisement was that the woman was very enthusiastic over the content of the pancakes.



The Panel noted that they have previously considered a radio advertisement which featured audio of a mattress squeaking in Case 0410/16. In this case:

“The Board noted that the noise of a mattress squeaking can be heard and considered that while adults would likely interpret this as sexually suggestive in the Board’s view it could be explained to children as people using a bed as a trampoline. The Board noted that the squeaking noise is in the background of the advertisement and considered that the focus is on the woman’s voice and the hotel deal she is promoting. The Board noted that the advertisement was aired on Triple M. The Board noted the target audience for Triple M is adults aged over 40 years (www.southerncrossaustereo.com.au/radio/) and considered that although children could still hear the advertisement in the Board’s view the content is not overly sexual, is unlikely to be considered offensive by most adult listeners of Triple M, and is not inappropriate for children to hear.”

Similar to the above case, the Panel noted that it has consistently determined that advertisements which use sexual suggestions, where a non-sexualised explanation of the meaning would be taken away by children, do treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience (0136/18, 0296/17 and 0124/17).

Consistent with previous determinations, the Panel considered the advertisement was not inappropriate for a broad audience which would include children and did not breach Section 2.4 of the Code.

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaints.

