



**Ad Standards** Community Panel  
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Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0061-20</b>
<b>2. Advertiser :</b>	<b>Campbell Arnott's</b>
<b>3. Product :</b>	<b>Food/Bev Groceries</b>
<b>4. Type of Advertisement/Media :</b>	<b>TV - Free to Air</b>
<b>5. Date of Determination</b>	<b>12-Feb-2020</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.7 Distinguishable advertising

### DESCRIPTION OF ADVERTISEMENT

This television advertisement depicts Scott Cam in a kitchen talking about Savoy/Jatz crackers. The advertisement then cuts to a brief scene that appears to be announcing that the tennis is back, before Scott Cam walks on screen and talks to the voiceover.

### THE COMPLAINT

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

*Whether the ads are an ad or actual programming is not immediately clear resulting in a different interaction with the ad. In case of the savoy the ad gives the impression that the open has resumed before "recommencing" the ad. Clear boundaries are supposed to exist between the ads and the open. These are blatantly being blurred. This is being applauded by advertising executives but is very frustrating for viewers who are looking to enjoy the open and not be suckered into watching ads they would otherwise likely ignore.*

### THE ADVERTISER'S RESPONSE



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

*The original advertisements were shown on free-to-air television (Nine Network). They show Scott Cam enjoying Jatz/Savoy crackers with cheese in a kitchen setting, and Scott subsequently having a jocular conversation about either Jatz/Savoy traditions or favourite toppings for Jatz/Savoy with the man who does the tennis voiceover work for Nine.*

*These advertisements were shown during the Nine Network coverage of their Summer of Tennis, which included the Australian Open.*

*You have asked us to address Section 2 of the AANA Advertiser Code of Ethics (“the Code”). We note that the complainant does not raise concerns under the AANA Food & Beverages Advertising Code, and that Section 2.7 of that code is not relevant since our advertisements do not use or feature any sporting personalities.*

*Section 2.1*

*The advertisement does not discriminate against or vilify any person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.*

*Section 2.2*

*The advertisement does not contain any sexual content.*

*Section 2.3*

*The advertisement does not contain any violence.*

*Section 2.4*

*The advertisement does not contain any sexual references or nudity.*

*Section 2.5*

*The advertisement does not contain any strong or obscene language.*

*Section 2.6*

*The advertisement does not depict material contrary to Prevailing Community Standards on health (further detail below) and safety.*

*Section 2.7*

*The advertisement is clearly branded using the names and logos of Arnott’s and Jatz/Savoy, and we submit it is clearly distinguishable as advertising.*

*The only two times when an Arnott’s Jatz/Savoy pack or Arnott’s branding is not featured on screen occur from 0:05-0:11 and 0:15-0:18 of the advertisements. During the 0:05-0:11 segment, Scott is shown clearly holding an Arnott’s cracker with cheese.*



*The other segment (0:15-0:18) occurs roughly in the middle of the advertisements before Scott steps into view holding a box of Arnott's Jatz/Savoy. He then proceeds to have a light-hearted discussion with Nine's tennis voiceover artist about great places to enjoy Jatz/Savoy and suggested toppings.*

*The box of crackers in Scott's hand as well as the dialogue make it unmistakably clear to the ordinary viewer that the advertisement has continued on. We accept that for a fleeting moment, a viewer may think the tennis coverage has resumed, but that Scott's appearance at 0:18 with the Jatz/Savoy box unequivocally informs viewers that the advertisement is still running. The advertisements are all premised on the joke that even the voiceover artist covering the tennis for Nine enjoys Arnott's Jatz/Savoy crackers enormously.*

*Surprise is a key element of humour, and the Code does not prohibit the use of surprise or twists in playful advertising. The Code says that advertising must be clearly distinguishable as such. We believe that each of our advertisements in their entirety is absolutely distinguishable as advertising.*

*The complainant himself implicitly acknowledges his understanding that the piece as a whole is an advertisement. He says it was not "immediately clear", but then recognises that the advertising "recommenced". He then says it is frustrating for viewers who don't want to "be suckered into watching ads", thus referring to our commercial as an "ad".*

*Our advertisements are very obviously marketing communications using a well-known Australian personality. There is no representation whatsoever that the Australian Open or any other tennis-related body endorses Jatz/Savoy crackers. The comical dialogue between Scott and the voiceover artist clearly indicates to viewers that they are not covering the tennis live. The joke fell flat for the complainant, but in our view the use of humour that irritates some viewers does not constitute a breach of Section 2.7 of the Code.*

## **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 concerns that the advertisement is not clearly identified as advertising material and is therefore misleading.

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

The Panel considered whether the advertisement complied with Section 2.7 of the Code which requires that "Advertising or Marketing Communications shall be clearly distinguishable as such to the relevant audience."



The Panel noted the advice provided in the Practice Note to Section 2.7: “Context driven advertising and marketing approach is permitted, but marketers should be cognizant that, in seeking to make their advertising and marketing communication more engaging, they do not camouflage the fact that it is advertising.”

The Panel noted it had considered a similar range of advertisements for UberEats in case 0043-19 in which:

*“The Panel considered that it may not be immediately clear within the first few seconds that this is an advertisement, however considered after this time the use of logos, disclaimers and wording would make it clear to most viewers that this is an advertisement.”*

*The Panel considered there is space for parody and satire in advertising and considered that although the advertisements may at first appear part of the real tennis broadcast, the advertisements are clearly identified as being for product when the people in the advertisement talk to the camera and an UberEats bag is delivered.”*

In the current case, the advertisements have a brief period in the middle of the advertisement where it appears the advertisement had ended, but then clearly continues. The Panel noted that no actual tennis footage is played and it is only the rolling introduction of a city scene, a foot on the baseline and generic footage of a tennis racquet hitting a ball. Scott Cam enters the scene when the tennis racquet hits the ball, and is holding to Savoy box in his hands which further reinforces that the advertisement is continuing and what is being advertised.

The Panel considered that this advertisement, though designed to attract attention by inducing a very temporary confusion in the viewer, is clearly distinguishable as advertising material to the relevant audience and determined that the advertisement did not breach Section 2.7 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Panel dismissed the complaint.