



Case Report

1	Case Number	0066/13
2	Advertiser	Kellogg (Aust) Pty Ltd
3	Product	Food and Beverages
4	Type of Advertisement / media	Pay TV
5	Date of Determination	13/03/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Unsafe behaviour

DESCRIPTION OF THE ADVERTISEMENT

The advertisement contains a number of scenes portraying iconic Australian images, namely the Twelve Apostles on the South Coast of Victoria, the tropical north where the actor is depicted feeding a crocodile, the Great Barrier Reef and Sydney Harbour. These scenes are accompanied by the actor speaking in a typically laconic Aussie way and stating "Australians don't like to make a big fuss about things. To us, these are just a few rocks (referring to the Twelve Apostles)... This is just a little (referring to the crocodile) and this is just a bit of coral (referring to the Great Barrier Reef)".

The advertisement concludes with the actor climbing on a boat in the middle of Sydney Harbour with the bridge and city skyline behind him. He sits down to a table on the back deck and pours a bowl of Just Right and continues to state "So when we call a cereal Just Right – when it's full of Aussie wholegrains, great-tasting fruit, and low in salt – what we really mean is, it's pretty bloody good." Taking a mouthful of Just Right, the actor continues to state "...but it'd be un-Australian to come right out and say so."

THE COMPLAINT

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

The actor is hand feeding a 3-4m croc whilst standing on a log in the middle of a riverthen he is clearly seen to dive off the same log into the "Crocodile infested" water, this is about the

most irresponsible advertisement I have seen, what is it telling our tourists/ kids....that it is ok and safe to do this.

The feeding looks real, so if that is the case, very dangerous for the actor too.....STUPID STUPID STUPID.

I have tried sending feedback to Kelloggs but their form is unavailable.... I wonder why.

THE ADVERTISER'S RESPONSE

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

Prior to addressing the substantive issues, Kellogg would like to confirm its long-standing support for the ASB and its commitment to uphold the relevant Codes together with its own internal guidelines.

1) Substantive Response to Complaint (Including Description)

a) The advertisement contains a number of scenes portraying iconic Australian images, namely the Twelve Apostles on the South Coast of Victoria, the tropical north where the actor is depicted feeding a crocodile, the Great Barrier Reef and Sydney Harbour. These scenes are accompanied by the actor speaking in a typically laconic Aussie way and stating "Australians don't like to make a big fuss about things. To us, these are just a few rocks (referring to the Twelve Apostles)...This is just a little (referring to the crocodile) and this is just a bit of coral (referring to the Great Barrier Reef)".

b) The advertisement concludes with the actor climbing on a boat in the middle of Sydney Harbour with the bridge and city skyline behind him. He sits down to a table on the back deck and pours a bowl of Just Right and continues to state "So when we call a cereal Just Right – when it's full of Aussie wholegrains, great-tasting fruit, and low in salt – what we really mean is, it's pretty bloody good." Taking a mouthful of Just Right, the actor continues to state "...but it'd be un-Australian to come right out and say so."

c) The complaint is made under the AANA Code of Ethics (Code of Ethics).

d) The substantive complaint appears to be that the advertisement promotes the feeding of crocodiles.

2) AANA Code of Ethics

a) The Code of Ethics applies to:

"Advertising or Marketing Communications means any material which is published or broadcast using any Medium or any activity which is undertaken by, or on behalf of an advertiser or marketer, and: over which the advertiser or marketer has a reasonable degree of control, and that draws the attention of the public in a manner calculated to promote or oppose directly or indirectly a product, service, person, organisation or line of conduct".

b) We acknowledge that our advertisement is subject to the Code of Ethics, however, we respectfully submit that our advertisement does not contravene Section 2 of the Codes of

Ethics for the reasons set out below.

3) General Comments

a) Conceptually, this campaign plays upon the familiar national trait of understatement. Kellogg's intention is to convey that the name of our product "Just Right" is an example of an understatement (namely its name does not fully convey the characteristics of the product).

b) We have placed our product alongside instantly recognisable Australian images and have purposefully downplayed some obvious and very apparent attributes and/or characteristics of those images so as to illustrate the traits associated with understatement.

c) By way of an example, we use an image of the Great Barrier Reef with the actor stating "and this is just a bit of coral". Another image which forms part of the campaign includes an image of the Twelve Apostles rock formation on the South Coast of Victoria with the actor stating "To us, these are just a few rocks."

d) In order to bring the "understatement" theme alive in an instantly meaningful way, we have for the most part chosen images of iconic wonders of nature and a distinctive native animal. The sole purpose for using these images is because of their iconic and unique status.

e) In respect of the actual complaint (being that our advertisement promotes the feeding of crocodiles) we respectfully suggest that the complainant has misunderstood the campaign. As soon as the actor dives into the river, he is suddenly in the Great Barrier Reef. He then emerges from the Great Barrier Reef and surfaces in Sydney Harbour. With these transitions, Kellogg is intentionally trying to communicate that the scenes are in no way realistic. Instead, these scenes are deliberately fantastical, showing iconic Australian images and characters in an entertaining and engaging way. It was never our intention to use any image or depict any character in a way that encouraged viewers to feed crocodiles.

4) Specific Response

a) For the reasons above, Kellogg does not consider that the advertisement depicts material contrary to the Prevailing Community Standards on health and safety.

b) For the purposes of accuracy, the scene in question was filmed on the Barron River, which contains no crocodiles. The crocodile was filmed separately in a controlled environment at a crocodile park. The two elements were then brought together post-production and the actor was in no danger at any stage.

c) Under the Code of Ethics, Advertising Communications must comply with the requirements set out in Section 2 which requires the following:

i) "2.1 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.

We submit that our advertisement does not contain any elements that discriminates or vilifies any group.

ii) 2.2 Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.

We submit that our advertisement does not objectify any individuals.

iii) 2.3 Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

We submit that our advertisement does not contain images of a violent nature.

iv) 2.4 Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

We submit that our advertisement does not contain elements relating to sex, sexuality or nudity.

v) 2.5 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.

We submit that careful consideration was given to the use of the word “bloody” and that it was determined to be appropriate in the context of the “Just Right” advertisement particularly given that is widely considered to form part of the Australian vernacular. The ASB’s previous decisions regarding the use of the word “bloody” were also reviewed.

vi) 2.6 Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.”

We submit that our advertisement does not contain elements which would be contrary to any Prevailing Community Standards in respect of Health and Safety.

Conclusion

For the reasons stated above the complaint should be dismissed in its entirety.

Kellogg is pleased to have had the opportunity to respond to this complaint and to confirm its support for the ASB and the codes to which Kellogg is subject.

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 concerns that the advertisement depicts a man hand

feeding a crocodile which is dangerous and contrary to prevailing community standards on health and safety.

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

The Board then 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 (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided."

The Board noted the advertisement features a man moving seamlessly through iconic Australian settings and in one scene the man appears to feed a crocodile before diving in to the water and emerging in circular quay where he eats a bowl of Just Right cereal.

The Board noted that when the man eats the cereal he notes that it is "pretty bloody good". The Board noted that the word 'bloody' is used in the advertisement in a manner which is consistent with colloquial usage in Australia and considered that it is mild and not inappropriate.

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 hand feeding a crocodile is dangerous, as is diving in to the water after the crocodile. The Board noted that when the man dives in to the water after the crocodile he is immediately shown swimming amongst coral at the barrier reef and when he gets out of the water he is in circular quay and considered that it is clear that this a fantasy sequence and not a realistic scenario. The Board considered that most reasonable members of the community would recognise the tongue-in-cheek nature of the advertisement and that the scenes, commonly used in tourist brochures, are meant to highlight the diversity of nature in Australia. The Board noted that hand feeding a crocodile or diving in to water containing crocodiles is dangerous however in the Board's view the advertisement does not encourage or condone these activities but uses them in a light hearted manner to promote the product advertised.

The Board determined that the advertisement did not depict material which would be in breach of Section 2.6 of the Code.

Further finding that the advertisement did not breach the Code on any grounds, the Board dismissed the complaint.

