



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0066/19
2	Advertiser	Taste my Bean
3	Product	Food / Beverages
4	Type of Advertisement / media	Radio
5	Date of Determination	06/03/2019
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Violence Violence

DESCRIPTION OF THE ADVERTISEMENT

This radio advertisement features a voice over stating "what you're about to hear is true". A woman then says "well yes, I was just standing there, um, just watching and I couldn't believe it. He used real force. He just took the tamper and the next think he just bashed the coffee down in there. Just like that. It was truly horrifying." The voice over then states "Avoid coffee crime" and gives details of the business.

THE COMPLAINT

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

Combining a theme of 'smashing coffee into a cup' with that of a woman being bashed; woman's voiceover - egregious!

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 25 February 2019 regarding a complaint (Complaint) made by a complainant and submitted to Ad Standards on 17 February 2019. The Complaint concerns an advertisement (Advertisement) by Taste My Bean in relation to its drive through coffee service.

1. Description of the Advertisement

The Advertisement was created by Southern Cross Austereo in response to a brief by the Advertiser. The Advertisement was approved by the Advertiser in January 2019.

The Advertisement runs for 30 seconds and promotes Taste My Bean's drive through coffee service.

The Advertisement involves voiceovers of a male and a female. The male voiceover begins and notes to the audience that what they are about to hear is true. The woman then describes a scene she has witnessed. She describes standing and watching a man using real force when taking a tamper and bashing coffee. The male then tells the audience that to avoid a coffee crime they should get their drive through coffee at Taste My Bean.

A digital copy and script for the Advertisement accompanies this response.

2. Broadcast of the Advertisement

The Advertisement has been regularly broadcast on Hit 105 and 4MMM since 4 February 2019, before being taken off air pending the outcome of this Complaint.

3. 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), particularly section 2.3 (violence).

Section 2.3 of the Code sets out that Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

It is our submission that the Advertisement does not breach section 2.3 for the following reasons:

The complainant's concern is that the advertisement combines "a theme of 'smashing coffee into a cup' with that of a woman being bashed".



We submit that the advertisement describes a woman witnessing a scene as a bystander. There is no suggestion that violence has been committed against this woman. It is specifically noted that she was “standing there...just watching...”.

While the advertisement describes watching a man using “real force” before it is revealed this is in relation to coffee, there is no suggestion that the force is against another person. This comment in relation to “real force” is then immediately followed by a voiceover explaining that the man has applied force when using a tamper to make a coffee.

The act of using a tamper to make coffee is common, and we submit that the act of “bashing” coffee using a tamper does not present or portray violence. The reference to a “coffee crime” is intended as a tongue in cheek reference to making a bad coffee. We further submit that the advertisement is not likely to incite or encourage violence.

For all of the above reasons, it is our submission that the Advertisement does not breach section 2.3 of the Code.

4. Other sections of the Code

We do not consider that the Advertisement raises any issues under the other sections of the Code, as the Advertisement:

does 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 (section 2.1);

does not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people (section 2.2);

does not present sex, sexuality or nudity (section 2.4);

does not employ strong or obscene language (section 2.5);

does not depict material contrary to Prevailing Community standards on health and safety (section 2.6); and

is clearly distinguishable as a message paid for by the Advertiser to promote its drive through coffee service (section 2.7).

Other Codes

We do not consider that the Complaint falls within the remit of the AANA Code for Marketing & Advertising Communications to Children or the AANA Food & Beverages –



Advertising & Marketing Communications Code.

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 (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 the advertisement was suggestive of a woman being bashed.

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

The Panel noted that this radio advertisement features a woman apparently reporting a crime which is revealed to be a crime against coffee.

The Panel considered whether the advertisement breached 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 Panel noted the advertiser's response that the advertisement describes a woman witnessing the scene as a bystander and there is no suggestion that violence has been committed against the woman.

The Panel considered that the woman in the advertisement does sound distressed and might be interpreted as a victim but equally that she was witness to a crime, which the advertisement clearly reveals to be a coffee being made incorrectly and not an act of violence.

The Panel considered that the complainant's interpretation of the advertisement being suggestive of a woman being bashed was an interpretation that would be unlikely to be shared by the majority of the community.

The Panel acknowledged that some people in the community may be concerned by the distress in the woman's voice and the use of the words 'forced' and 'bashed', however considered that the overall content of the advertisement did not amount to a portrayal of violence. The Panel noted that advertiser's should take care not to



suggest violence against people.

In the Panel's view the advertisement did not portray violence and did not breach Section 2.3 of the Code.

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

