



**ADVERTISING
STANDARDS
BUREAU**

Level 2, 97 Northbourne Avenue, Turner ACT 2612
Ph (02) 6173 1500 | Fax (02) 6262 9833
www.adstandards.com.au
ACN 084 452 666

Case Report

1	Case Number	0082/14
2	Advertiser	Mars Confectionery
3	Product	Food and Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	09/04/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The advertisement opens on a snooty manager of a jewellery store turning her back to two younger women working there. One of the women takes out a single MALTESERS® ball from a packet, which is hiding in a drawer. She looks up to ensure her boss isn't watching and sets it down on the counter in front of her. She then uses the wind from a fan to roll the MALTESERS® ball over to the second woman standing behind the counter. The second woman then hurriedly pops it into her mouth so that her boss won't see her eating the MALTESERS® ball, and the two women giggle at the success of their secret antic.

THE COMPLAINT

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

The fact that food and guilt are associated with young, seemingly health women is disturbing. Young women have problems with body image and don't need this reinforced by advertisers. Of course no men are shown exhibiting signs of guilt for consuming Maltesers. This ad should be withdrawn as it does not model healthy eating. Chocolate can be included in a normal diet without feelings of guilt and self-reprimand.

THE ADVERTISER'S RESPONSE

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

Thank you for your letter seeking our response to the above complaint. We appreciate the concerns raised about the MALTESERS® TVC, however we do not believe our ad breaches the provisions of Section 2 of the AANA Advertiser Code of Ethics.

The core message of the ad speaks to MALTESERS® brand positioning of ‘the lighter way to enjoy chocolate’. MALTESERS® have a crisp malt centre with a smooth chocolate coating that makes them light, playful and a bit of fun. The commercial plays off the tension that it’s sometimes liberating to free yourself from the expectations life can place on you and therefore lighten up.

This lightness message is demonstrated through the humorous scenario: two women, who work in a snobbish store, acting in a playful and surprising way. They are liberating themselves from the expectation of their boss to be refined and professional by being impulsive and playful. There was no intent to portray the women as showing signs of guilt, self-reprimand or any other negative sentiment towards consuming the product.

The two hero characters are women aged 25-35 years, in line with our target market.

Our view is that the ad does not contravene Section 2 of the AANA Code of Ethics. While we regret the ad has caused offence to one viewer, we do not believe it portrays women feeling guilty for eating a single MALTESERS® ball and we do not believe the majority of viewers would perceive the ad in this way.

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 does not model healthy eating in its portrayal of young women showing guilt about consuming chocolate.

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

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 that the advertisement depicts two young female sales assistants in an ‘up-market’ jewellery store who are under the watchful eye of their boss. One sales assistant uses a portable fan to blow a chocolate ball (Malteser) down the length of the counter to her colleague. The girls are heard giggling as the voiceover states “Maltesers, the lighter way to

enjoy chocolate”.

The Board noted that the issue of body image and poor body perceptions is a serious matter and one that is suitably considered within section 2.6 of the Code relating to Prevailing Community Standards on health and safety.

The Board noted that the advertisement is situated in a jewellery store and that the girls are clearly there during working hours and are not meant to be eating while at the service counter. The Board noted that the use of the fan to move the chocolate along the counter was a humorous depiction and clearly showed that the girls were seeking ways to ‘lighten their day’. The Board noted that the girls seemed to be aware that what they were doing would be frowned upon by their supervisor.

The Board considered that the guilt shown on their faces was not guilt associated with eating chocolate but rather an acknowledging look that they were getting away with something a little naughty, that is eating chocolate snacks whilst at work.

The Board considered that in this instance the advertisement does not depict any material contrary to Prevailing Community Standards related to body image and healthy eating habits and did not breach Section 2.6 of the Code.

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