



**ADVERTISING
STANDARDS
BUREAU**

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Case Report

1	Case Number	0084/13
2	Advertiser	Mars Confectionery
3	Product	Food and Beverages
4	Type of Advertisement / media	Pay TV
5	Date of Determination	27/03/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Violence Violence

DESCRIPTION OF THE ADVERTISEMENT

Two teenage girls are at a college party talking to two guys, one of whom is actor Joe Pesci, who looks very out of place at the party. Joe Pesci gets annoyed at the young girls for no apparent reason – it is obvious he is in a bad mood and acting out of character. His friend pulls him aside and suggests he eats a SNICKERS® because he gets a little angry when he's hungry. Joe Pesci takes a bite of the SNICKERS® then transforms back into his normal self, a young guy. He walks back to the same girls where we see that one of them has turned into Don Rickles. She then insults the guys by referring to them as 'losers', however we know from the previous gag that the rudeness is a result of her hunger.

THE COMPLAINT

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

This ad is aggressive toward females and has no place to be viewed in this country. This ad should be reviewed for viewing in Australia.

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. We appreciate your concern and like you, we do not condone or promote any kind of violence or aggression towards women.

The SNICKERS® 'Party' commercial depicts a scenario that is reminiscent of an American college party. Two teenage girls are chatting to two guys, one of which is Joe Pesci. It's obvious that Pesci looks very out of place at the party due to his age, but this is made even more apparent when he starts to lose his temper at the girls. Like the other 'You're Not You When You're Hungry' SNICKERS® ads that have previously aired, the same scenario plays out in this commercial, which depicts someone acting out of character because they are hungry.

We believe that any type of violence or aggression towards women is completely unacceptable. It is made immediately clear in the commercial however, that the anger expressed by Joe Pesci's character is out of the ordinary, hence why his mate pulls him aside and makes him eat a SNICKERS®.

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 features aggressive behaviour toward females which is not appropriate for broadcast.

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

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 of the Code 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 Board noted that the advertisement featured a scene at a party with two girls talking to two men. One of the men is actor Joe Pesci. Joe loses his temper until his friend gives him a Snickers to calm him down. He then transforms back into a younger looking college student.

The Board noted that the presence of Joe Pesci at the party was to make very clear that he is older than the other party attendees and that he is obviously out of place. The Board considered that the depiction of aggression toward the women is made clear that it is related

to his hunger rather than an unprovoked attack on the women concerned. The Board noted that advertisement shows Joe being given a Snickers to satisfy his hunger and draws the link to the campaign slogan “you’re not you when you’re hungry.’

The Board considered that the advertisement's theme of 'not feeling yourself when you are hungry' and the transformation of 'Joe Pesci' back to a student makes it clear that there was no violence intended toward women but rather that the scene is a metaphor for how you would feel at a party in a similar awkward situation.

The Board considered that the advertisement was exaggerated, clearly intended to be humorous and did not present or portray violence that is unjustifiable in the context of the product or service advertised and did not breach section 2.3 of the Code.

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