



ADVERTISING
STANDARDS
BUREAU

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Case Report

1	Case Number	0086/14
2	Advertiser	Fosters Australia, Asia & Pacific
3	Product	Alcohol
4	Type of Advertisement / media	TV
5	Date of Determination	26/03/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Bullying (non violent)

DESCRIPTION OF THE ADVERTISEMENT

The TVC opens with a farmer leaving the Strongbow Orchard with a trailer of apples. One woman then congratulates a fellow (noticeably taller) apple picker on being awarded the coveted title of 'picker of the month' - again. The exchange between the two evolves into tongue in cheek banter regarding the other's picking ability. The commercial concludes with a Strongbow being poured over ice and the line "Strongbow, Hand Picked By Hand". In the background we see the group of Strongbow pickers enjoy a knock off drink as they laugh and chat together.

THE COMPLAINT

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

This advertisement displays bullying behaviour by one making their derogatory remarks about the other and the other returning the barbs. In this day and age when bullying is such a problem, we do not need the behaviour glorified on an alcoholic beverage advertisement.

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 recent correspondence in relation to complaint reference number 0086/14.

The complaint relates to a Strongbow television commercial (TVC) that shows apple picking at the Strongbow Orchard. In this particular TVC we see two female pickers who are passionate about their apple picking engaged in a light hearted verbal exchange.

The TVC opens with a farmer leaving the Strongbow Orchard with a trailer of apples. One woman then congratulates a fellow (noticeably taller) apple picker on being awarded the coveted title of "picker of the month" - again. It's obvious she wants to be happy for her fellow picker but her well wishes are delivered in a somewhat begrudging way. The exchange between the two evolves into tongue in cheek banter regarding the other's picking ability. The commercial concludes with a Strongbow being poured over ice and the line "Strongbow, Hand Picked By Hand". In the background we see the group of Strongbow pickers enjoy a knock off drink as they laugh and chat together.

Before I respond to the complaint in relation to the AANA Code of Ethics, I'd like to acknowledge that bullying is a very serious issue. It was never, and absolutely would never be, our intention to show a scenario that depicts bullying. Whilst I respect that the complainant has a personal viewpoint regarding the TVC, I don't believe the scenario depicted is an example of bullying. For your reference, the TVC has been on air since 26th January this year and has been viewed by just over 7.5 million adults. It is playing on television in Sydney, Melbourne, Brisbane, Adelaide and Perth and also on line. This is the only complaint we have received for this TVC.

According to an Australian Government website dedicated to the issue, bullying is "repeated verbal, physical, social or psychological behaviour that is harmful and involves the misuse of power by an individual or group towards one or more persons". This is not what the TVC depicts. It's a light-hearted exchange between two women sharing views on the other's picking abilities in a comical way, which is made clear by the following: the exaggerated height difference between the pickers and the lines they deliver: "Of course it is, you're a good picker... You just happen to be a giraffe" and "Well maybe you should try picking potatoes".

Each apple picker gives as 'good as they get' in the verbal exchange – both participate equally and in the same style. Furthermore both pickers seem unaffected by the banter – there is no hurt or upset caused. Represented in the TVC is a one off exchange between the two and there is no evidence that the conversation is part of a pattern of ongoing behaviour. Given the absence of these qualities (unequal power/pattern of behaviour) I think it's fair to say the TVC does not meet the definition of bullying. This is further supported by the overall tone of the TVC which is light and engaging.

The CUB marketing team takes its commitments to responsible marketing very seriously. Not only do we have internal standards and processes that must be met but we also consider both the AANA Code of Ethics and the Alcohol Beverages Advertising Code (ABAC) when we are developing our marketing collateral. For the reasons stated above we do not believe the TVC shows an example of bullying. More broadly we also believe that the TVC is compliant with the Code in its entirety. In support of this, there is a complete absence of violence, discrimination, nudity, obscene language and any sexual themes.

This TVC was also independently prevetted in order to ensure its compliance with the ABAC. The AAPS number is 506/13.

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 complainants’ concerns that the advertisement promotes bullying in its depiction of two women making negative comments about the physical characteristics of each other.

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

The Board first considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray 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.'

The Board noted that the advertisement depicts two women in an orchard picking apples. One woman then congratulates her fellow (noticeably taller) apple picker on being awarded the title of 'picker of the month' - again. The exchange between the two evolves into two way banter regarding the other's picking ability. The commercial concludes with a Strongbow being poured over ice and the line "Strongbow, Hand Picked By Hand".

The Board noted that the two women were engaging in banter that was directly referring to the height characteristics of the two. The Board considered whether this type of exchange was associating negative connotations to being either very tall or very short.

The Board noted that the portrayal of the woman was sufficiently exaggerated to make the women appear very different in height. The Board considered that the discussion between the two women and agreed that the advertisement did not depict material in a way that discriminates against or vilifies a person or section of the community based on their physical characteristics and did not breach section 2.1 of the code.

The Board then 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 issue of bullying, particularly non-physical bullying is suitably placed within considerations of section 2.6 of the Code regarding prevailing community standards.

The Board noted the complainant’s concerns that making derogatory remarks about another person is not acceptable behaviour.

The Board noted that the original comments come from the shorter woman who mumbles her thoughts enough so that the taller lady can hear that she has made a comment. The Board noted that the taller woman is portrayed as being extremely tall and that the height difference is exaggerated to increase the comical side of the banter between the two.

The Board noted that although the comments come from the shorter lady in the first instance, the taller woman does engage in the banter and at the end of the advertisement is heard offering an equally unpleasant suggestion that is a reflection on the shorter woman’s stature.

The Board noted that neither woman seems visually upset by the conversation and that they both continue to effectively work throughout the encounter.

The Board noted that it had recently considered an advertisement for YUM KFC (ref: 0064/14) that included scenes of two women sharing lunch and chatting and that the voiceover comments that it is easier to say some things over lunch like, “Tracey’s such a cow”.

The Board noted that in the above matter the Board considered that “these comments are made in the context of a typical conversation between friends and considered that whilst the reference to a woman as a cow is not the best example the advertiser could have used, in the Board’s view, the example is a reflection of women chatting and gossiping rather than bullying behaviour”.

Consistent with the above matter, the Board considered that in the current advertisement the depiction of two women exchanging comments in a begrudging way, was lighthearted and comical rather than an episode of bullying.

The Board considered that the advertisement does not depict or condone bullying behaviour and that the advertisement does not depict any material contrary to Prevailing Community Standards on health and safety 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 complaints.