



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0090/12</b>
<b>2</b>	<b>Advertiser</b>	<b>Mars Confectionery</b>
<b>3</b>	<b>Product</b>	<b>Food and Beverages</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>14/03/2012</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.1 - Discrimination or Vilification Race

### DESCRIPTION OF THE ADVERTISEMENT

M&Ms are wearing rasta hats with attached dreadlocks. One of the M&Ms is reluctant to wear the hat until he sees a female M&M wearing a coconut bikini at which point he dons the hat and starts speaking in a faux Jamaican accent.

### THE COMPLAINT

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

*It was blatantly stereotypical and racist - that 'coconuts' are islanders with reggae woven hats with dreadlocks. It was offensive and the characters even spoke with fake ridiculous Jamaican/reggae type accent.*

### 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 regarding the latest M&M'S Coconut TVC.*

*We appreciate the complainant's concern about racist materials in the media and we share their view point in that we also strongly believe there is never a place for this kind of sentiment.*

*In fact, we are always extremely diligent in reviewing our creative work to ensure that it does not have the potential to offend any persons/particular groups or aggravate any potentially sensitive topics.*

*The M&M's Coconut TV advertisement in no way depicts islander as 'coconuts'. It also does not contain content that has any derogatory connotation towards Jamaicans. Furthermore, we do not see or believe that there is any logical connection between coconuts or the inhabitants of the countries/ islands in which they come from.*

*The 'rasta hat and dreadlocks' that the M&M characters wear in the commercial are props that are commonly found in many costume/dress up shops in Australia. Thus, indicating a congenial community acceptance that such depictions are not malicious in nature, but in fact are meant to engender a sense of 'coolness' and endearment towards Rastafarians.*

*The 'rasta hat and dreadlocks' are a factual yet distinctive set of features that are commonly attributed to Rastafarians, similarly to robes and a crown being attributed to a King.*

*Ultimately, the intention of the TV advertisement was purely to promote that there was a new flavour of M&M'S available in the charming, light-hearted way that the brand is renowned and loved for.*

## **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 is racist towards Jamaicans.

The Board considered whether the advertisement was in breach of Section 2.1 of the Code. Section 2.1 of the Code states: "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..."

The Board noted that the advertisement features cartoon M&Ms dressed as Jamaicans and one of them speaks in a Jamaican accent.

The Board considered that the cartoon depiction of M&Ms wearing rasta hats does not of itself amount to a depiction which could be considered demeaning by most reasonable members of the community.

The Board noted that one M&M character speaks in a strong Jamaican accent and considered that this is in keeping with his Jamaican appearance and again does not amount to a depiction which would be considered demeaning by most reasonable members of the community.

The Board noted the complainant's concerns that the advertisement suggests coconuts are islanders and considered that this was an interpretation unlikely to be shared by the broader community.

The Board considered that the most likely interpretation of the advertisement is that Jamaicans are very relaxed and chilled out and that the advertisement is a stereotypical depiction of a Jamaican person but that there is nothing in the depiction which is demeaning or negative.

The Board determined that the material depicted did not discriminate against or vilify any person or section of the community on account of race and did not breach Section 2.1 of the Code.

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