



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0094/12</b>
<b>2</b>	<b>Advertiser</b>	<b>Aldi Stores</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>28/03/2012</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.6 - Health and Safety      Unsafe behavior

### DESCRIPTION OF THE ADVERTISEMENT

We see a couple at home in their front room. The man throws a nut in the air and misses it. The lady is able to throw it in the air and catches it in her mouth. The man looks annoyed but keeps trying. His wife smiles.

We then hear a voiceover stating "Same old nuts. Better Price. Switch to Aldi's exclusive brands and save" and see a pack shot of the competitive packet of nuts and the Aldi packet of nuts along with pricing information.

### THE COMPLAINT

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

*This is a very stupid scene to put on TV through an advertisement. It is dangerous to young children. Also it is dangerous to all age groups.*

*I would like this ad pulled off the TV in the interests of safety for children. Some teenagers would think this a good and fun thing to do. Little do they realise the consequences if the nut were to go down their windpipe in error.*

### THE ADVERTISER'S RESPONSE

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

*Thank you for the opportunity to respond to complaint 0094/12. This complaint refers to the ALDI 15sec TVC advertising Forresters Salted Mixed Nuts.*

*The complaint received centers on the supposed unsafe actions of the couple portrayed in the TVC, specifically the action of the couple throwing and catching mixed nuts in their mouths. It is suggested this action contravenes Section 2.6 of the AANA Advertiser Code of Ethics - Health & Safety as portraying this light-hearted moment could encourage children or people of any age group to mimic the action, which could result in choking.*

*We strongly believe that the act of throwing and catching mixed nuts in your mouth is not contrary to Prevailing Community Standards on health and safety. We believe the actions portrayed in the TVC are a light-hearted moment that could occur in everyday life. We also note the female is the only character who successfully catches a nut in her mouth and is then shown chewing and swallowing without issue.*

*Given the theme, visuals and language of the advertisement, and are not directed primarily to children we believe we are not contravening the AANA Code for Advertising & Marketing Communications to Children despite the complainants suggestions that the actions portrayed could be specifically dangerous to children. Nor do we believe the advertisement contravenes any specific section of the AANA Food & Beverages Advertising & Marketing Communications Code.*

*In summary, we are confident the advertisement is in line with community standards and in no way encourages unsafe behaviour.*

## **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 depicts a dangerous act which children might copy.

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

The Board considered whether the advertisement was in breach of 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 shows an older man and women throwing nuts in the air and trying to catch them in their mouths.

The Board noted that whilst it is possible to choke on nuts thrown in to the air and caught in the mouth, in the Board’s view most members of the community would consider that whilst it is not the most sensible way to eat nuts or other foods, the advertisement is not encouraging

or condoning behaviour which would be contrary to prevailing community standards on health and safety to the point it would breach the Code.

The Board noted the complainant's concerns that children could copy the advertisement and considered that young children viewing this W rated advertisement should be accompanied by a responsible adult who could explain the possible repercussions of throwing a nut and catching it in their mouth.

Based on the above, the Board determined that the advertisement did not depict 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 complaint.