



Case Report

1	Case Number	0108/12
2	Advertiser	Bulla Dairy Foods
3	Product	Food and Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	28/03/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

We see a guy aged about 30, in his dressing gown, in a suburban kitchen. He opens his freezer and shuts his eyes as he delves into a box of Bulla Crunch. He pulls out a Bulla Caramel Crunch. He shouts with glee "It's Caramel Monday! Yeah!" He whips off his dressing gown to reveal his caramel coloured fake tan and 'Monday' Y-fronts. He proceeds to do a robot dance round his kitchen. We cut to the Caramel flavoured ice cream on the stick. As it spins, it gets covered in chocolate. Biscuit bits 'pop' out of the ice cream. We then see a completed ice cream. Six other ice creams fan out from behind the hero ice cream. Simultaneously, a bite appears in each ice cream, showing the different flavours and we hear a crunch. A voice over then says "Creamy ice cream. Chocolate. Biscuit bits. Bulla Crunch!" We then see an end frame with a Variety Pack product shot and super appears and we hear a voice over say "7 FLAVOURS. 7 DAYS. YOU FIGURE IT OUT" and we see a starburst of our hero character.

THE COMPLAINT

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

Children eat ice-creams surely they should not have to watch this. I don't like watching this and think it is inappropriate.

THE ADVERTISER'S RESPONSE

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

It appears that this complaint relates to ASB clause 2.4 Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience. It might also speak to the ASBs objective to reflect prevailing community standards. Following a discussion with the team here on Friday we have the following points in the defence of the Crunch TVC;

- 1. The underwear is a costume and intended to be humorous rather than in any way sexual or suggestive.*
- 2. The product is targeted at adults and as such the media buy targets adults, rather than families, specifically older singles and couples aged 45+.*
- 3. CAD rated the spot W (not PG) which reflects their informed view of its appropriate airing times and community standards.*
- 4. MANY other ads feature people in their underwear or similar (links overleaf) including Target, Bonds and I&J suggesting the community's broad acceptance of this type of attire in ads.*
- 5. The Drama Down Under campaign for the Australian Government features outdoor advertising with a man in his underwear with a bunny poking out of the underwear. There is a billboard featuring this poster at South Yarra train station which is a major thoroughfare for school children. In our view, that's a more appropriate example of insensitive use of nudity.*
- 6. Popular 'family' TV shows such as Home & Away and Neighbours feature people in their underwear. The Biggest Loser shows people in minimal clothing throughout much of their show. Again this supports prevailing community standards about what's acceptable family viewing.*

Further, there are far more controversial ads for which complaints have been dismissed. For example, Advanced Medical Institute Cookie: jar at top of cupboard – man offers wife an erect penis as a step.

- Issue – Portrayal of sex, sexuality and nudity; Board decision – Dismissed*
- About 220 complaints*
- See link below to view the TVC*
<http://mumbrella.com.au/the-ten-most-complained-about-ads-of-2010-37589#more-37589>

Other commercials featuring semi-naked people in mainstream advertising:

Iron Jay (Fish)

<http://www.youtube.com/watch?v=0MET6367JVk>

Target (Bras)

<http://shop.target.com.au/articles/women/bras/index.html>

Bonds (Mens Underwear)

<http://www.youtube.com/watch?v=YCphW45kvzk>

Bonds (Mens Socks)

<http://www.youtube.com/watch?v=kQp-H2k2Rl4>

Bonds (Womens Underwear)

<http://www.novafm.com.au/video/girls-knickers-bonds-tv-commercial>

<http://www.novafm.com.au/video/sarah-murdoch-bonds-tv-commercial>

<http://www.bestadsonTV.com/ad/40830/Bonds-Twelve-Days>

<http://www.youtube.com/watch?v=yXJ41BuKCOQ>

Also, it's worth noting that a brand that supposedly deviates from its 'wholesome' brand positioning is an irrelevant (and subjective) judgment and should in no way influence whether an ad from the brand is appropriate or not for family viewing.

In summary, we would argue that it's not Bulla's intention to have any sexual overtones in its advertising. Rather, the use of underwear as a costume is intended to be light-hearted and funny because it's used in a humorous scenario. In the context of all else that's on air during family viewing time, it's not unusual or unexpected. And we would suggest that in the context of these other ads and TV shows, along with previous ASB rulings, it's actually not out of step with community standards, nor is it presenting nudity in a way that is offensive or inappropriate.

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 inappropriate and not suitable for children to see.

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

The Board considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience."

The Board noted that the advertisement features a man dancing in his underwear whilst eating a Bulla Crunch.

The Board noted that the overall tone of the advertisement was humorous and considered that the man does not dance in a sexually suggestive manner. The Board noted that the man's underwear fully covers his private parts and considered that the portrayal of the man dancing in his underpants was a depiction which most reasonable members of the community would consider to be not inappropriate.

The Board noted the advertisement had been rated 'W' by CAD which means it could be seen by children however in the Board's view the advertisement is not inappropriate for viewing by children.

Based on the above the Board considered that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and did not breach Section 2.4 of the Code.

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

