



# Case Report

1	Case Number	0118/17
2	Advertiser	Kellogg (Aust) Pty Ltd
3	Product	Food and Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	08/03/2017
6	DETERMINATION	Dismissed

## ISSUES RAISED

2.1 - Discrimination or Vilification Sexual preference

## DESCRIPTION OF THE ADVERTISEMENT

The advertisement opens on a breakfast table setting with a goldfish bowl on the side next to a box of Sultana Bran. A father and daughter are eating Sultana Bran. The daughter asks if goldfish have a 3 second memory and her father, looking unconvinced, answers, "that's what they say". The camera then zooms into the goldfish bowl where the goldfish swims around the bowl past the Sultana Bran box three times, each time repeating the statement it sees on the box, "Sultana Bran's got more fibre than two slices of wholemeal toast", with increasing incredulity.

## THE COMPLAINT

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

*The camp voice does nothing to add to the information given out but by utilising the camp voice and tones the advert and advertisers have perpetuated the stereotypical characteristics of gay males that have been criticised over the last decade as both offensive and contributing to the denigration of the LGBTIQ community and in particular towards gay men. As a gay man and the father of 3 children and 2 grandchildren I find it troubling that in the 21st century such derogative stereotypes are still utilised. It is no longer acceptable to utilise these forms of characteristics to sell products and by doing so the advertising company and*

*Kellogg's are continuing to contribute toward the social harm and detriment of the gay community.*

## **THE ADVERTISER'S RESPONSE**

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

*The purpose of the advertisement is to highlight the fibre content of the product in a playful and humorous way. The consumer insight underlying the advertisement is that consumers are looking for ways to increase fibre intake in their diets.*

*In summary, the complaint alleges the following:*

*“by utilising the camp voice and tones the advert and advertisers have perpetuated the stereotypical characteristics of gay males that have been criticised over the last decade as both offensive and contributing to the denigration of the LGBTIQ community and in particular towards gay men”;* and

*by doing so, “Kellogg's are continuing to contribute toward the social harm and detriment of the gay community”.*

*The complaint therefore raises issues under section 2 of the AANA Code of Ethics (AANA Code).*

*AANA Code of Ethics*

*Section 2.1 of the AANA Code provides:*

*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, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.*

*The advertisement makes no references to homosexuality. The advertisement features a speaking goldfish with a short memory span, a play on the urban myth that goldfish have three second memories. The young daughter innocently asks her father about the apparent three second memory spans of goldfish, and the goldfish's incredulity at the amount of fibre in Sultana Bran (despite having just seen the claim) builds on each iteration of the claim. The use of this device was intended to be humorous and tongue in cheek, to draw viewers' attention to the fibre content of the product. The goldfish was not depicted, nor given features or movements, which were homosexual in nature. Further, the advertisement made no reference to homosexual relationships. There was no innuendo or further suggestion of anything other than a distinctive voice. The character depicted was not intended to be homosexual.*

*On this basis, we respectfully submit that the advertisement was not intended to vilify, damage or mock homosexuality or the homosexual community.*

*We draw the Board's attention to a number of complaints that have featured similar themes, including:*

*Case 0209/16 television advertisement for recycling, involving the use of a satirical character, Ricky Starr, whose 'effeminate' persona is based on 80s/90s cult fitness guru Richard Simmons. The complaint was that the main character in the advertisement was portrayed in a manner that was demeaning to gay men and a mocking stereotype. In finding that the advertisement did not breach s 2.1 of the AANA Code, the Board considered the*

*advertisement made no reference to homosexuality. The Board did not consider the advertisement was intended to mock gay people, as the character was using behavioural not sexual traits. The Board did note that the advertisement used an actor with flamboyant and exaggerated movements and an effeminate voice, but this was intended to be humorous and did not depict the actor as homosexual or vilifying homosexual relationships. The Board noted that the advertisement had been rated 'W' by CAD which means it can be viewed by a broad audience.*

*Case 512/08 radio advertisement for BCF stores, depicting a character called Daniel who "loves pilates, moisturises twice daily and gets his mum to get spiders out of the bath for him". The Board considered the advertisement was a tongue-in-cheek parody of the modern stereotypical "metrosexual". The Board did not consider the character depicted was intended to be homosexual and held that the advertisement did not discriminate against, or vilify, any person or group on the basis of their sexuality or on any other basis. For the reasons above, we contend that the goldfish is not depicted in a way that vilifies a person or section of the community in a manner contrary to the AANA Code. The advertisement as a whole is consistent with prevailing community standards and complies with s 2.1 of the AANA Code.*

*Sections 2.2 and 2.4 of the AANA Code provide:*

- 2.2 Advertising or Marketing Communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.*
- 2.4 Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.*

*Kellogg submits that the advertisement, including the goldfish character, does not employ sexual appeal in any way, nor is sex, sexuality or nudity used. Accordingly, we submit that the advertisement does not breach sections 2.2 and 2.4 of the AANA Code.*

*Section 2.3 of the AANA Code provides:*

*Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.*

*The advertisement does not present or portray violence.*

*Section 2.5 of the AANA Code provides:*

*Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided.*

*We submit that the advertisement uses language that is appropriate in the circumstances, including appropriate for the relevant audience and medium. The terminology employed is straightforward and factual (eg. "Sultana Bran has more fibre than two pieces of wholemeal toast"), directed at our target audience (adults 40 years old and over) and intended to be informative in nature (drawing attention to the fibre content of Sultana Bran). The advertisement does not use strong or obscene vocabulary. Accordingly, we submit that the advertisement does not breach s 2.5 of the AANA Code.*

*Section 2.6 of the AANA Code provides:*

*Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.*

*The advertisement does not raise health or safety issues.*

### *Conclusion*

*For the reasons stated above the complaint should be dismissed in its entirety.*

*Kellogg is pleased to have had the opportunity to respond to this complaint and to confirm its support for the ASB and the codes to which Kellogg is subject.*

## **THE DETERMINATION**

The Advertising Standards Board (the “Board”) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the “Code”).

The Board noted the complainant’s concerns that the advertisement features a goldfish talking in a camp voice which amounts to a negative depiction that is demeaning to gay men.

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

The Board 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 this television advertisement features a goldfish commenting on the fibre content of Sultana Bran repeatedly.

The Board noted that the goldfish does speak in what most members of the community would describe as a ‘camp’ voice but considered that the goldfish is not sexualised and its gender is not clear. The Board acknowledged that a camp voice is often associated with gay men but considered that in the context of a humorous scenario of a goldfish forgetting what it has just said and repeating itself, the depiction of a talking fish with no identifiable gender, is not negative or demeaning to any person.

Overall the Board considered that the advertisement did 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 determined that the advertisement did not breach Section 2.1 of the Code.

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

