



Case Report

1	Case Number	0131/13
2	Advertiser	Kellogg (Aust) Pty Ltd
3	Product	Food and Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	01/05/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Physical Characteristics

DESCRIPTION OF THE ADVERTISEMENT

The advertisement contains scenes depicting a passenger on an aeroplane being hypnotised with a bowl of Crunchy Nut Corn Flakes.

The hypnotised passenger is persuaded to give up his lavish First class seat in exchange for a bowl of Crunchy Nut Corn Flakes and a seat in Economy class, near the toilets, between a big guy and a crying baby.

The advertisement concludes with the passenger seated in First class trying to mesmerise an air stewardess with a bowl of Crunchy Nut Corn Flakes and stating: "You do date curly haired men".

THE COMPLAINT

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

I object specifically to the comment about sitting next to the 'big guy', which was added with the context as sitting near the toilet and the crying baby. Currently, health and especially size discrimination is a huge topic worldwide. Take the current discussion on social media regarding size being considered a criteria for flight pricing and you will see such a horrendous barrage of insults directed at larger individuals. Kelloggs is doing nothing but fueling the notion that being bigger is unacceptable. For example, in this commercial, the

First Class passenger is hypnotized that he will be seated among three awful things; the toilet, a crying child, and a bigger person.

Seriously, I find this offensive, and more so that they (Kelloggs) cannot see that. They may as well have included another Nationality in that mix. No? Of course they wouldn't, that would be politically incorrect and offensive. Well so is the inclusion of the phrase 'big guy'.

Social responsibility for what commercials advocate is where change happens, but it's subtle references (or not so subtle as this case is) that continue the degradation and discrimination of people that other's see as not attractive.

THE ADVERTISER'S RESPONSE

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

General

Prior to addressing the substantive issues, Kellogg would like to confirm its long-standing support for the ASB and its commitment to uphold the relevant Codes together with its own internal guidelines.

Substantive Response to Complaint (Including Description)

The advertisement contains scenes depicting a passenger being hypnotised with a bowl of Crunchy Nut Corn Flakes.

The hypnotised passenger is persuaded to give up his lavish First class seat in exchange for a bowl of Crunchy Nut Corn Flakes and a seat in Economy class, near the toilets, between a big guy and a crying baby.

The advertisement concludes with the passenger seated in First class trying to mesmerise an air stewardess with a bowl of Crunchy Nut Corn Flakes and stating: "You do date curly haired men".

The complaint is made under the AANA Code of Ethics (Code of Ethics).

The substantive complaint appears to be that the advertisement promotes discrimination against "bigger" individuals.

AANA Code of Ethics

The Code of Ethics applies to:

"Advertising or Marketing Communications means any material which is published or broadcast using any Medium or any activity which is undertaken by, or on behalf of an advertiser or marketer, and: over which the advertiser or marketer has a reasonable degree of control, and that draws the attention of the public in a manner calculated to promote or oppose directly or indirectly a product, service, person, organisation or line of conduct".

We acknowledge that our advertisement is subject to the Code of Ethics; however, we

respectfully submit that our advertisement does not contravene Section 2 of the Code of Ethics for the reasons set out below.

General Comments

Conceptually, this campaign plays upon the theme that Crunchy Nut Corn Flakes are irresistible. This theme is juxtaposed against common complaints made by passengers when travelling in Economy class.

The highly irresistible nature of the product is depicted by showing a passenger being hypnotised into giving up his First class seat in exchange for a bowl of Crunchy Nut Corn Flakes and a seat in Economy class.

In respect of the actual complaint, the reference to “the big guy” in the advertisement is a reference to the actor (who will appear in a follow up advertisement in the coming months) being tall and broad shouldered and not a reference to his weight as inferred by the complainant.

In respect of the actual complaint, we respectfully suggest that the complainant has misinterpreted reference to “the big guy” in the advertisement.

Specific Response

For the reasons above, Kellogg does not consider that the advertisement depicts material contrary to Section 2 of the Code of Ethics.

Under the Code of Ethics, Advertising Communications must comply with the requirements set out in Section 2 which requires the following:

“2.1 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.

We submit that our advertisement does not contain any elements that 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.

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.

We submit that our advertisement does not objectify any individuals.

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

We submit that our advertisement does not contain images of a violent nature.

2.4 Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

We submit that our advertisement does not contain elements relating to sex, sexuality or nudity.

2.5 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 our advisement does not contain strong or obscene language.

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

We submit that our advertisement does not contain elements which would be contrary to any Prevailing Community Standards in respect of Health and Safety.

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 (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Board noted the complainant’s concern that the advertisement is offensive and discriminatory to people who are ‘big’ in its suggestion that sitting next to a big person on a plane is negative.

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

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...gender..”

The Board noted that the advertisement depicts a man using Crunchy Nut cornflakes to hypnotise a fellow passenger to swap seats on the plane they are on.

The Board noted the complainant’s concerns that the reference to sitting next to the crying baby, toilets and big guy amount to a reference to the size of a person which is negative and discriminatory. The Board noted that we do not see the ‘big guy’ and that the advertiser had responded to say that in forthcoming instalments of the advertisement we see that the ‘big guy’ is tall. The Board considered that most members of the community would agree that sitting next to the toilets, a crying baby and someone who is tall or large are all situations that you would want to avoid on an aircraft as they normally contribute to a noisy, uncomfortable

flight and that the advertiser is using light hearted humour to portray this. The Board considered that the reference to an unseen person as big is not a reference which is offensive or discriminatory.

The Board determined that the material depicted did not discriminate against a section of the community and 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.