



**ADVERTISING  
STANDARDS  
BUREAU**

Level 2, 97 Northbourne Avenue, Turner ACT 2612  
Ph (02) 6173 1500 | Fax (02) 6262 9833  
[www.adstandards.com.au](http://www.adstandards.com.au)

ACN 084 452 666

# Case Report

1	Case Number	0133/14
2	Advertiser	Mars Confectionery
3	Product	Food and Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	23/04/2014
6	DETERMINATION	Dismissed

## ISSUES RAISED

2.1 - Discrimination or Vilification Age

## DESCRIPTION OF THE ADVERTISEMENT

A man falls off a motor bike, the camera zooms in and we see an angry middle aged man (Ray Meagher, the actor who plays Alf in Home and Away). He is handed a Snickers bar and turns into a good looking young man. The caption reads, "You are not yourself when you are hungry."

## THE COMPLAINT

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

*The advertisement disparages the appearance of an old person. It's ageist.*

## THE ADVERTISER'S RESPONSE

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

*In terms of the AANA Code of Ethics, we contend that the advertisement does not promote discrimination against, or vilification of, people on the basis of their chronological age (as referred to in the AANA Code of Ethics Practice Note). It certainly does not attract sections 2.2 – 2.6 of the Code of Ethics.*

*In relation to section 2.1 of the Code, there is no discrimination against people based on their chronological age, or vilification of them, advocated by the advertisement. The general premise behind the broader campaign for the product “SNICKERS®” is that people act in unexpected ways when they are hungry. This broader campaign has depicted a range of people acting unexpectedly, due to hunger, in various advertisements worldwide, and has also featured a variety of celebrity personalities such as Betty White, Joe Pesci and Joan Collins. For the Australian campaign, the well-known personality Ray Meagher was chosen given his profile in the local market.*

*With regards to the assertion in the complaint that the advertisement disparages the appearance of an old person and is ageist, we submit as follows.*

*People of any age have the potential to act unexpectedly when hungry. The intention of this particular advertisement was to juxtapose the behaviour of the young man with that of an older gentleman to demonstrate his unexpected behaviour due to hunger. We do not believe that it is appropriate to draw the inference that all elderly people are angry or ugly, and indeed much of the humour derives from the vernacular used by the Meagher character.*

*The advertisement does form part of a broader campaign for the product in which a variety of people have been depicted as acting unexpectedly. We submit that almost all viewers would view the content in this context, and would realise that it was not aimed at promoting a negative impression about elderly people. We also note that the advertisement does not refer to the older actor’s chronological age (the date he was born), which is the criterion used to define the relevant “group” in the AANA Practice Note.*

*We believe that no other sections of the Code have any application.*

*Thanks for your consideration of our response.*

## **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 depicts an older person in a disparaging manner.

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 the advertisement features the actor Ray Meagher behaving in an aggressive and angry manner before eating a snickers and turning in to a more relaxed young man.

The Board noted that it had previously dismissed similar advertisements from the same advertiser where people are depicted behaving differently (mostly negatively) when they are hungry (0439/10 and 0084/13).

The Board noted that in the current advertisement the theme is still that people behave unlike their normal selves when they are hungry. The Board noted the advertiser's response that Ray Meagher was used because of his profile as an actor and considered that most members of the community would recognise his behaviour in the advertisement as synonymous with the behaviour of the character, Alf, he portrays in Home and Away.

The Board noted that when Ray is behaving badly his friends comment that he is being a "cranky old man" and considered that this is directed more at the character the actor is known for than at older men in general. The Board considered that using well-known people to play the parts of people acting differently due to hunger lessens the extent to which their behaviour can be seen as a reflection of behaviour undertaken by people of that gender, age or demographic and in this instance the advertisement does not depict material which discriminates or vilifies a section of the community on account of age.

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.