



Case Report

1	Case Number	0143/10
2	Advertiser	Boost Juice Bars Australia
3	Product	Food and Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	14/04/2010
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Gender

DESCRIPTION OF THE ADVERTISEMENT

Fruit puppets, Ron Banana and Mary Mango, host a mock fruit themed entertainment program called Inside Juice promoting Boost Juice's 10th birthday and 10 fruit holidays competition. Tangarina Jollie, in a bikini with exaggerated breasts, saunters through a heap of pineapples as "sweet" in male voices is heard and tagline by Ron Banana to Mary Mango "how about you and me get a little bit fruity" to which she replies "in your dreams Ron".

THE COMPLAINT

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

I found it disappointing that towards the end of the ad the news anchorman sexually propositions the news anchorwoman. There is much work being done in the community to eliminate that sexual harassment in the workplace. Particularly with Boost being a company with a woman at the helm it would be great to Janine Allis to show support for this work rather than the opposite situation portrayed in the ad.

Some might say that a sense of humour is required. The news is – sexual harassment is not funny.

At the end of the ad the male 'newsreader' turns to the newsreadcr and states that she 'get fruity with him'this can only be seen as sexual harassment in the workplace.

THE ADVERTISER'S RESPONSE

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

The commercials were designed to be fun whilst capturing the cheekiness and seriously fruity personality of the Boost brand and our Boost team members to attract the attention of the 18-35 year old Boost target market. In the first commercial to go to air (brand commercial), the puppets report on fictional gossip with fruit puppets based on real world celebrities, whilst the second commercial to air (tactical commercial) has the puppets reporting on the Boost 'Get the Fruit Outta Here' consumer campaign with a fruit celebrity puppet visiting one of the prize locations available for consumers to win.

The brand commercial with CAD reference number BJIS02 was rated as PG by CAD and was therefore only advertised during permissible periods. The retail commercial with CAD reference number BJIS01 was rated as W. The advertising for both commercials commenced on Sunday 7th of March and will run through until Sunday 18th of April across both Channel 10 and Go! in all Metro markets and across various channels in Regional Markets. Advertising has and is currently running on an 80% retail and 20% brand split with 80% of the commercials combined being advertised during peak periods when our aforementioned target market are most likely to be viewing TV.

As has been highlighted, the Inside Juice commercials feature fictional talking fruit puppets and their stories. They were very much designed to generate a smile or laugh from our target market who are also the most likely consumers of celebrity gossip media that these commercials are a take on. Whilst the commercials may not generate this response from all viewers, Boost does not believe that the content or communication could be interpreted as discriminatory. Both complainants have voiced their concerns that the tag line at the end of the commercials "how about you and I get a little bit fruity" from the male Ron Banana character to female Mary Mango could be deemed as sexual harassment. This tag line was designed to be a double entendre, with the first interpretation being an innocent flirt between the Ron Banana character who is portrayed as a little clue-less, and the Mary Mango character who is portrayed as educated and of high integrity. The second interpretation and that which we hope all viewers understand is that "a little bit fruity" is also a description of the Boost brand personality and the fun, often a little zany atmosphere we try to establish in all of our Boost Juice Bars and Boost staff members.

An additional complaint was made in regards to Tangerina Jolie being depicted as a sexual object. Tangerina Jolie is depicted as a fruit in a bikini surrounded by talking pineapples. This is satirical representation of celebrity gossip mediums and Boost does not feel that it reinforces Tangerina Jolie as a sexual object.

For the reasons listed above, Boost does not believe that the Inside Juice commercials are in breach of Section 2 of the Code of Ethics ("the Code").

Furthermore, as the commercials are advertising beverage products, we note that under 2.8 of the Code the commercials must also comply with the AANA Food & Beverages Advertising

& Marketing Communications Code (the “Food and Beverage Code”). While this was not the subject of the complaints, we have nevertheless reviewed the Food and Beverage Code. The content or communication in the commercials do not make nutritional claims, do not suggest that the Boost product range is a meal substitute nor raise any other issues relevant to the Food and Beverage Code. The commercials are promoting Boost’s 10 year anniversary and advertising a competition being held to celebrate this achievement. Therefore we feel that none of the sections in the Food and Beverage Code have been breached here.

Lastly, we have reviewed AANA’s Code of Advertising & Marketing Communications to Children (“Children’s Code”). Again this was not the basis of the complaints made but nonetheless falls within section 2 of the Code. As stated, the Inside Juice commercials are primarily directed at 18-35 year old adults and not children. Despite the fact that the commercials are animated, our target audience is reflected in our advertising schedule, with no commercials on air during C-time programming and also reflected in the theme of the commercials being a parody of entertainment programs. Therefore, we feel that our commercials do not fall within the definition of “Advertising or Marketing Communications to Children” and are not governed by the Children’s Code.

I hope the information provided enables you to make a decision with regards to the course of action on the complaints and I would be happy to supply you with any additional information you may require. Boost would of course hope that we are able to continue advertising for the one and a half weeks remaining (advertising due to finish April 18th), however will respect your decision if this is not able to occur.

THE DETERMINATION

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

The Board considered whether the advertisement was in breach of section 2.3 of the Code. Section 2.3 of the Code states:

“Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone”.

The Board noted the complainant’s concern relating to sexual harassment.

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

The Board noted that the advertisement was designed to attract the brand’s target market of 18 to 35 year olds. It’s animated fruit is a stereotypical depiction of news anchors. The sexual proposition at the end is also a stereotypical representation and in the context of animated fruit is seen as ridiculous behavior and not as condoning inappropriate sexual behavior in the work place.

The Board determined that the advertisement was not in breach of section 2.3 of the Code.

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