



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0171/10</b>
<b>2</b>	<b>Advertiser</b>	<b>Unilever Australasia</b>
<b>3</b>	<b>Product</b>	<b>Food and Beverages</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>12/05/2010</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.1 - Discrimination or Vilification Other

### DESCRIPTION OF THE ADVERTISEMENT

The TV advertisement depicts an attendant in an office environment delivering personalised cups to staff such as action man “ginga ninja” with red hair, “goggles” female with thick glasses, “goliath” very small man with warning “careful it’s hot”, “mayor of shine town” with squeaky bald head. She then struggles to recall name of male employee with big ears who identifies himself as ‘Rob’. Voiceover then details how to get your own personalised cup with the purchase of 6 packs of Continental Cup-a-Soup at Woolworths.

### THE COMPLAINT

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

*Being a natural born redhead male having suffered years of bullying due to discrimination based on my hair color I see this ad and am only reminded of the various taunts used by bullies over the years. "Ranga Ginger Rednut..etc.. to name just a few are these such taunts. The ad proposes that people with red hair should also be known as "ginger ninja's" promoting yet another taunt to add to the ever expanding list. Not only does the ad propose such an insult but it stereotypes people with red hair as being social outsiders by grouping them with other such people who have received societal criticism based on their appearance such as those who are balding those who are short those who have thick glasses. This stereotyping becomes much more than just a joke to people with red hair when an insult is flung and it is completely irresponsible to not only promote this social exclusion but also recommend an insult through which the public may exclude. The ad was shown well within the bed times of many Australian children thus it badly influences children as well as adults to act in such a discriminatory way. Please take this ad off the air and I would expect an*

*apology for such blatant disregard for the well being of us members of society of whom have red hair.*

## **THE ADVERTISER'S RESPONSE**

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

*Cup-a-Soup is a brand with a history of light-hearted and cheeky spirited advertising campaigns that reflect the quirky and entertaining personality of the Cup-a-Soup brand. The Cup-A-Soup 'soup cups' commercial was created in the spirit of Australian mate-ship and good humour that exists in many Australian offices. The commercial portrays a group of colleagues that have given themselves endearing nicknames based on distinctive physical or behavioral characteristics. All of the characters identify themselves by and play along with their chosen nickname, demonstrating the fun and accepting environment in which the characters operate.*

*CAD provided the TVC with a "G" rating which allows broadcast at any time except during P and C (Children's) programs or adjacent to P or C periods.*

*The TV media buying is targeted at main grocery buyers with kids and as such the spot placements are amongst programming that is targeted at its intended audience such as "How I met your mother", "Good News Week", "Brothers and Sister". The humour and content of the TVC is consistent within the context of this programming,*

*Section 2.1 Advertising and 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, sex, age, sexual preference, religion. Disability or political belief.*

*We submit that the TVC does not depict material contrary to the Standards on Discrimination as stated in Section 2.1 and set out above. In the context outlined above, we believe the depiction of the characters in this TVC would clearly be understood to have chosen their own names because they identify themselves by and play along with the names they have chosen. This is supported by the fact that the names are not 'flung insults' they instead represent the chosen name of each cup-bearer. The character who is the key focus of this complaint, "Ginger Ninja" has very clearly chosen his name and has embraced the full character of the name he has chosen, by responding to his name with a cheeky 'ninja' strike. Furthermore, the final character "Rob" has chosen not to be called by a fun nickname but rather by a shortening of his given name "Robert".*

*As such, the intent of this TVC is certainly not to be discriminatory or to advocate name-calling, but to purely highlight that consumers are being given the driving seat in choosing what they want printed on their own personalised cup - consumers can choose a nickname from school, work, sports team or just simply their name.*

*In the context of this parody, we respectfully submit that reasonable viewers would understand the humour of the TVC and would not view it as a portrayal of discrimination.*

*Approvals: Unilever is a responsible advertiser and has numerous internal review processes, including review by Unilever's Legal and Corporate Relations Departments to critique all advertisements to ensure compliance with legal and ethical considerations.*

*We submit that we are not depicting material that is discriminatory and/or in contravention with Section 2.1 as it is clearly a parody which would be understood by the intended*

*viewers. In summary, we submit that the context of the TVC is well within Standards and that the TVC complies with Section 2.1 of the Code.*

## **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 demeaning and stereotypes people based on their physical or behavioral characteristics.

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 race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief”.

The Board noted that each individual depicted in the advertisement used a ‘self identifier’ name - i.e. they appear to have chosen what was printed on their personalised cup, and no-one showed the demeanour of someone being offended or discriminated against.

The Board considered that most members of the community would be able to clearly understand the advertisement's depiction of each individual and take a humorous approach to the advertisement. The Board agreed that the advertisement did not discriminate against or vilify any person or section of society on account of their appearance or behaviour. 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 any other grounds, the Board dismissed the complaint.