



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0211/18
2	Advertiser	Smith's Snackfood Co Ltd The
3	Product	Food and Beverages
4	Type of Advertisement / media	Outdoor
5	Date of Determination	09/05/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.3 - Violence Causes alarm and distress
- 2.3 - Violence Cruelty to animals

DESCRIPTION OF THE ADVERTISEMENT

This outdoor advertisement features a picture of a bag of Smith's Peking Duck chips on a hook along with two cooked ducks.

THE COMPLAINT

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

Few concerns, mainly however, the image of dead ducks hang upside down was used for this ad. I find this image very graphic, as it looks like a scene from the horror movie. It is not appetising and it conforms the violence. I believe this type of advertising is wrong and its location (just next to the hospital) is just ironic, given the product itself isn't good for human health.

THE ADVERTISER'S RESPONSE

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





We refer to your letters dated 18 April 2018 to the Smith's Snackfood Company Pty Ltd (Smith's) notifying Smith's of complaints received in relation to certain Smith's advertising – in particular, complaint reference numbers 0211/18 and 0212/18 (the Complaints).

Thank you for providing the opportunity to respond to the Complaints. Set out below is Smith's response. However, at the outset, Smith's would like to acknowledge that it is committed to adhering to, and promoting advocacy of, the Australia Association of National Advertisers (AANA) Code of Ethics (the Code). We agree that the advertisers must act with a high level of social responsibility towards consumers and children.

The advertisement

By way of background, the advertisement referred to in the Complaints is a print advertisement that depicts the new Smith's Peking Duck flavoured chip. A copy of this advertisement is attached for your reference. The same advertisement was used in both instances.

The advertisement forms part of the Smith's "Street Eats" campaign, which aims to promote the new limited edition "street food" flavours by giving contextual references through visual food cues of the origin of each of the inspired flavours. With respect to the advertisement which is the subject of the Complaints, it visually represents Peking Duck, providing a visual cue to the inspired flavour that one would typically find at Chinese restaurants. The key message seen through the headline titled "Take your tastebuds on a holiday" reflects the overseas inspired flavour of the product, rather than cruelty to animals in an offensive manner.

Alleged breach of the Code

For reasons set out below, Smith's does not consider that the advertisement breaches section 2 of the Code.

a) The advertisement clearly does not discriminate against or vilify a person or a section of the community; does not employ sexual appeal or sexual references; and also does not use inappropriate language – therefore, sections 2.1, 2.2, 2.4 and 2.5 of the Code are not relevant.

b) With respect to section 2.3 of the Code:

(i) The advertisement does not show any actual or suggested physical violence, nor is it inappropriately graphic. For example, there are no live animals shown and no harm to any animals depicted.

(ii) The depiction of cooked ducks in this context is justifiable. The headline message in the advertisement along with the product image and the background image collectively depict the flavour of the product, rather than any negative imagery of animal cruelty or aggression. The advertisement would be interpreted by most consumers as a general reference to the Peking Duck flavouring.

(iii) The advertisement is unlikely to cause undue alarm or distress and would likely be



considered as acceptable in Australian society. In particular, the image of the ducks in the advertisement is no different to what one would see walking past or inside Chinese restaurants that serve Peking Duck or down a supermarket aisle that contains cooked chickens.

c) Smith's considers that the advertisement and its placement through out-of-home (OOH) channels (in particular on the bus and billboard at the bus stop) are consistent with the principles outlined in sections 2.6 and 2.7 of the Code, as well as the Responsible Children's Marketing Initiative (which Smith's adheres to). The "Street Eats" campaign was targeted towards an adult audience and not children. The target market for Smith's products is adult consumers aged 35-54, which make up the majority of the brand's sales volume. Further, Smith's has consistently taken steps to ensure that OOH advertising is not placed in areas largely frequented by children (such as in the immediate vicinity of schools and churches). Notwithstanding, it is unreasonable to expect advertisers to ensure that there are no children audience at all on bus routes (particularly general metropolitan bus routes), which are ultimately determined by transport service providers. Any incidental exposure to the imagery in the advertisement can be easily compared to children being accompanied by parents to Chinese restaurants or supermarkets that sell cooked meat products – any mental or moral harm to children was clearly not intended. Further, Smith's products have always been advertised as "snacks", to be consumed in moderation and health claims have never been made in relation to these products. The placement of the advertisement at the bus stop next to the hospital (Complaint reference number 0211/18) therefore needs to be assessed within this context.

For reasons outlined above, we respectfully request that the Ad Standards Community Panel dismiss the Complaints. Please let us know if you require any further information in relation to this response.

THE DETERMINATION

The Ad Standards Community Panel ("Panel") considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the "Code").

The Panel noted the complainant's concern that the advertisement features images of dead animals and that this was graphic and violent.

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

The Panel noted that this advertisement is for Peking duck flavoured chips and features the product on a hook along with two cooked ducks.

The Panel considered whether the advertisement breached Section 2.3 of the Code.



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

The Panel noted the complainant's concern that the advertisement was too graphic and looked like a scene from a horror movie.

The Panel noted the advertiser's response that the depiction of cooked ducks in this context was justifiable and provided a visual representation of the flavour of the product. Further, the advertiser response stated that the image of the ducks is no different to what members of the public would see walking past a Chinese restaurant that served Peking Duck.

The Panel considered the depiction of Peking ducks were relevant to the product being sold – Peking duck flavoured chips. The Panel also considered that the depiction of Peking ducks was similar to products that could be seen in the windows of many Chinese restaurants.

The Panel acknowledged that some members of the community would prefer not to see images of meat/Peking duck, however considered that the majority of the community would be unlikely to consider that images of meat was in itself violent.

The Panel considered that the advertisement did not contain any actual depictions of violence, and did not contain any menace or threat of violence.

In the Panel's view the advertisement did not depict violence and did not breach Section 2.3 of the Code.

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

