



Case Report

1	Case Number	0216/11
2	Advertiser	Mars Confectionery
3	Product	Food and Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	10/08/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

A yellow M&M asks a red M&M if he is making a voodoo doll. The red M&M says he is, and that it represents the new almond M&M. When he sticks pins in to the voodoo doll the yellow M&M reacts as though the pins have been stuck in to him and not the doll.

THE COMPLAINT

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

On a personal level I was put out by the ad because I have a phobia of sharps but that really has nothing to do with it. I think the ad is in bad taste when it comes to kids. Little ones who can't understand may be frightened and older ones might think it's ok to play with sharp objects and poke their toys or friends with them (which of course it isn't).

THE ADVERTISER'S RESPONSE

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

The Advertiser did not respond.

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 concerns that the advertisement could be frightening to children and it encourages them to play with sharp objects.

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

The Board first considered the advertisement under the AANA Code for Advertising and Marketing Communications to Children. The definition of what is advertising and marketing communications to children in the AANA Children's Code is “Advertising or Marketing Communications which, having regard to the theme, visuals and language used, are directed primarily to Children and are for Product”.

The Board noted that Children means, “children 14 years old or younger” and Product means, “goods, services and/or facilities which are targeted toward and have principle appeal to children.”

The Board noted the advertisement is for M&Ms and depicts cartoon confectionery with human characteristics. The Board considered that the M&Ms, while enjoyed by children, is of appeal to all ages. The Board determined that the product is not a product of ‘principal appeal to children’.

The Board noted the theme, visuals and language used in the advertisement and considered that whilst the advertisement could have appeal to children, it is not directed primarily to children.

As the advertisement is not directed primarily to children and is not for product, the Board considered that the Children’s Code and Part 3 of the AANA Food and Beverages Advertising and Marketing Communications Code (the Food and Beverages Code) do not apply to this advertisement.

The Board then noted Section 2.2 of the Code which requires that ‘advertising or marketing communications not use violence unless it is appropriate in the context of the advertised product or service.’

The Board noted that one of the cartoon M&Ms has made a voodoo doll and each time it sticks a pin in the doll the other cartoon M&M character flinches as though it has been stuck with the needle.

The Board considered that this depiction was clearly lighthearted and that the M&Ms depicted are clearly cartoon characters. The Board noted that the advertisement does not encourage the use of voodoo dolls, nor does it encourage the use of sharp objects on people.

The Board determined that the advertisement did not breach Section 2.2 of the Code as it does not depict or condone violence in a manner which would breach the provisions of the Code.

The Board considered whether the advertisement was in breach of Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board considered that the use of a voodoo doll in an advertisement is not of itself contrary to prevailing community standards.

The Board determined that the advertisement did not depict material contrary to prevailing community standards on health and safety and did not breach Section 2.6 of the Code.

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