



Case Report

1	Case Number	0218/15
2	Advertiser	Murray Goulburn
3	Product	Food and Beverages
4	Type of Advertisement / media	TV - Pay
5	Date of Determination	10/06/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Physical Characteristics
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

There is a woman at a kids party struggling to separate cheese slices since they are stuck together in one block. A young girl with a one eyed doll is waiting for a cheese slice sandwich. She tells the girl 'Why don't you go outside... and take little 'Cyclops' with you.' The woman making the cheese slice sandwiches then realizes the awkward situation that she has found herself in as comments are made by the parents of other children at the party.

THE COMPLAINT

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

The main character refers to 'cyclops' and a child in front of her is holding a doll with an eye missing. When criticised for referring to the one eyed doll as 'cyclops' the main character says no it is not the doll she is referring to, then you notice a child on screen standing next to the child holding the doll, wearing glasses one lens of which is covered by an eye patch. It seems the child with the eye patch is in fact the 'cyclops'!

This is name calling, bullying, and suggests this is ok behaviour towards a person with a visual disability, and by implication any disability. This is 100% unacceptable.

THE ADVERTISER'S RESPONSE

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

2.1 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, gender, age, sexual preference, religion, disability, mental illness or political belief.

2.6 - Advertising or Marketing Communications shall not depict material contrary to prevailing Community Standards on health and safety.

The Cyclops TVC in question is an amended version of the original Cyclops TVC on air in 2013 (DEV0038T/C/30). This original version of Cyclops was removed from air after an ASB complaint (ref 0362/13) was upheld.

With this in mind, the original ad was amended to ensure that the above points were addressed. Below details the actions taken to ensure this ad complied with the AANA Codes of Ethics:

- The little boy with the eye patch was removed as a central character of the TVC.*
- In fact, the little boy only appears in the background for a short time.*
- At no point is conversation directed at the boy and he is not in the shot when 'little Cyclops' is said.*
- We have made every attempt to ensure that the boy wearing the eye patch appears for as little time in the advertisement as possible.*
- In addition, dialogue from the original TVC has been amended to exclude the boy's mum saying; "Excuse me. He has two eyes, one just happens to be lazy" in which the central character says: "I wasn't talking about him."*
- Thus, the comment 'creepy little Cyclops' is now just in reference to the doll, not the boy, reiterated the new dialogue in which the girl's mother says; 'the doll is a present from her grandmother'.*
- The situation purely focuses on a dialogue between mothers and how a situation can become awkward when an offhanded comment is made in a social environment.*

Furthermore, the advertisement is not aimed at children and was intended to be humorous, not to be taken literally. The use of comedy and humour is consistent across all Devondale campaigns and the intent was to dramatize the awkwardness that can arise from an everyday frustration; the inability to separate cheese slices.

It was not the intent of the ad to portray the little boy as a victim where his disability is made fun of and as such, his role in the ad was reduced.

The term "Cheese Slice Rage" demonstrates that we are using exaggeration as the vehicle for

humour and the term 'Cyclops' is Greek mythological character, which is used in the dialogue as a descriptor. The word 'creepy' remains as the woman is referencing the doll, an inanimate object.

Genuinely, every attempt has been made to ensure that the advertisement is not perceived to discriminate against any member of the community.

Both the creative advertising agency DDB and the advertiser Devondale are strong supporters of self-regulation and the AANA Codes of Ethics.

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 complainants' concerns that the advertisement is displaying bullying behaviour and discriminating against people, especially children with a disability.

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 the advertisement features a woman in the kitchen of a home as a child's birthday party is underway. The woman is trying to separate some cheese slices to make sandwiches as a young girl watches her. The girl is holding a doll that is missing an eye. The woman explains that the sandwiches are not ready and says to the girl that she should go outside for a while and to take cyclops with her. The mother of the girl approaches and supports her daughter and the doll. The voice over then refers to the product being promoted "Devondale, easy peel slices."

The Board noted that this advertisement is a modified version of the same previously considered advertisement for the same product (ref: 0362/13).

The Board noted that it had upheld the previously considered advertisement noting that "...the portrayal of the woman being frustrated and directing that frustration toward young children was inappropriate and in connection with the use of the term "freaky little Cyclops," did amount to word and actions that were hurtful and a clear reference to the presence of only one eye."

The Board noted that the previous advertisement had included the arrival of a little boy at the table when the woman had made a comment about cyclops and that the boy had a patch over one eye due to a lazy eye.

The Board recognised that there is a genuine community concern regarding the vilification of children and adults who have physical disabilities.

The majority of the Board considered that most members of the community would recognise the humour in this advertisement, and understand the frustration that the woman was feeling

and that the advertisement was playing on the awkward moment where the woman was misinterpreted. The Board considered that it was clear that the woman had been talking about the toy and that there was no negative treatment of the young girl or of people with a physical disability in the advertisement.

The Board considered that the modifications made to the advertisement sufficiently address the Board's concerns about the original advertisement and that this version does not discriminate against or vilifies a person or section of the community on account of a disability and does not breach Section 2.1 of the Code.

The Board considered 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 has considered that concerns about possible emotional or psychological bullying are suitably considered within section 2.6 of the Code relating to community standards on health and safety.

The Board noted that the young girl was upset by hearing her doll referred to as cyclops but that it was likely she was equally as upset about the woman speaking to her abruptly and not providing her with something to eat when she has mentioned she was hungry.

The Board noted that the actions and words of the woman are misinterpreted, that she clearly shows regret for what has happened and that her comments are depicted as inappropriate by the other adults in the room.

The Board considered that the incident is portrayed as behaviour that is inappropriate. The woman refers to the doll as 'Cyclops' and not the little boy who comes clearly into view after the comment is made. The Board viewed that the incident did not encourage bullying and the woman is regretful and left in an awkward position at the end of the advertisement. The Board concluded that the incident depicted in the advertisement was not material that was contrary to community standards on health and safety relating to bullying and that it 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 complaints.