



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0224/16</b>
<b>2</b>	<b>Advertiser</b>	<b>Kellogg (Aust) Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>Food and Beverages</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>25/05/2016</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.4 - Sex/sexuality/nudity S/S/N - general

## DESCRIPTION OF THE ADVERTISEMENT

The television advertisement shows a man getting ready in the morning. He has had a shower and with his towel around him is running through the house looking for clothes to put on. He puts on his watch and then realises he is running late. Discovering his clothes in the washing machine he sees a pair of pink women's underpants hanging in the laundry and puts these on. We then see him eating his cereal wearing a white t shirt and the pink underpants. The door opens and two women walk in and see him.

## THE COMPLAINT

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

*I do not want to see a man sitting eating breakfast cereal in skimpy pink women's underwear. Very disturbing and inappropriate - children may see.*

## THE ADVERTISER'S RESPONSE

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

*Prior to addressing the substantive issues, Kellogg would like to confirm its long-standing support for the ASB and its commitment to uphold the relevant Codes together with its own*

*internal guidelines.*

*Description of Advertisement and Summary of Complaint.*

*The TVC opens with a gentleman in his 30's running from the bathroom covered by a towel. He is cleaning his teeth whilst proceeding to open the wardrobe and grabbing a shirt and suit jacket; it is evident he is in a rush. He proceeds to pick up his watch, places it on his wrist and looks at the time. At which point, reinforced by his panicked facial expression, it is made clear that he is running late for work. He quickly opens a couple of drawers but there is nothing inside apart from small towels and some socks. He then runs into the laundry in search of some clean underwear, however, to his dismay, realises the washing is halfway through a cycle. He hits the palm of his hand against the machine in despair, before standing up to see a pair of pink underwear hanging up.*

*In the next scene he is seen awkwardly walking through the kitchen. He then proceeds to walk past a box of Crunchy Nut cereal before taking a flake from the box and placing it in his mouth. This is accompanied by the super "enjoy as part of a balanced and active lifestyle". The following VO is also playing, "Kellogg's Crunchy Nut Corn Flakes, crunchy golden flakes covered in nuts and honey".*

*The next scene shows milk being poured over the Crunchy Nut Corn Flakes, before moving to a shot of the front door which opens to two females walking in. The focus then moves back to the lead character who can be seen sitting at the kitchen bench in the pink underwear, he awkwardly crosses his legs before eating a spoonful of the product. The viewer hears a crunch. In this same shot there is milk and fruit present on the kitchen table.*

*The next scene shows a box of Crunchy Nut Corn Flakes and a bowl of the product, with the VO and copy: "the trouble is they taste too good". The focus shifts back to the two women with bemused expressions on their faces, one of which is taking a picture on her phone. This summarises the 30 seconds version of the advertisement.*

*The complaint alleges that a scene in the advertisement where a man is wearing women's underwear is "very disturbing and inappropriate – children may see".*

*The complaint therefore raises issues under section 2.4 of the AANA Code of Ethics (AANA Code).*

*AANA Code: section 2.4.*

*Section 2.4 of the AANA Code provides:*

*Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.*

*The complaint relates to a relatively brief scene towards the end of the advertisement.*

*Kellogg disputes that this scene, or the advertisement as a whole, is disturbing or inappropriate. Kellogg respectfully submits that the advertisement treats sex, sexuality and nudity with sensitivity to the relevant audience.*

*Firstly, the scene in question, namely the lead character wearing pink underwear and eating Crunchy Nut Corn Flakes at the kitchen bench, is depicted in a humorous and light hearted tone. There is no full nudity (the lead character is wearing an ordinary white shirt together with the underwear) and he is sitting at the kitchen bench in a normal pose eating a bowl of cereal. The seated pose is not sexually suggestive and the man is clearly not depicted as a sex object. Rather, the man's facial expression and pose is intended to be comical. In addition, the lead character has been deliberately chosen as someone in their 30s (in the middle of the target audience range) and is not a model or celebrity. These factors all contribute to the humour in the scene. The humour is escalated towards the end of that scene where he is 'discovered' by the two women returning home, and he appears embarrassed, but not embarrassed enough to stop eating his bowl of Crunchy Nut Corn Flakes cereal.*

*Secondly, Kellogg submits that the scene needs to be assessed in the overall context of the advertisement, which is intended to convey a tongue in cheek account of a common*

*conundrum: getting dressed for an imminent appointment with little time to spare, but no clean undergarments in the wardrobe. The lead character is shown to reluctantly resort to wearing the only clean underwear available – a pair of pink undies. All the facial expressions are comical as it is made clear that he does not want to be wearing this item. The plot culminates in the man being distracted from his mission of getting ready hurriedly by the irresistible taste of Crunchy Nut Corn Flakes, a play on the long standing and well known Crunchy Nut tagline, “the trouble is they taste too good”. Even the two women arriving home does not deter him from continuing to enjoy the cereal.*

*The tongue in cheek nature of the advertisement is consistent with how Kellogg has historically marketed this product, and is the type of advertisement that fans of the product would come to expect. The scene complained of is consistent with the overall tone and narrative of the advertisement as a whole.*

*Lastly, Kellogg considers that the advertisement is appropriate for the relevant audience. The intended audience for this advertisement is adults, as this is the demographic to which the product most appeals. This is reflected in the themes, language and visuals in the advertisement, as well as the media buy which is targeted to the 25-54 age range. This is not a vulnerable demographic, and Kellogg submits that the advertisement should be assessed by reference to the overall impression and tone of the advertisement.*

*AANA Code: other provisions.*

*We do not consider that the advertisement raises issues under the other provisions of section 2 of the AANA Code:*

- *Section 2.1 Portrayal of people*

*The advertisement does not discriminate against or vilify a person or section of the community.*

- *Section 2.2 Objectification*

*The advertisement does not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.*

- *Section 2.3 Violence*

*There is no violence depicted in this advertisement.*

- *Section 2.5 Language*

*The advertisement uses language that is appropriate in the circumstances.*

- *Section 2.6 Health and Safety*

*The advertisement does not contravene prevailing community standards on health and safety.*

*Conclusion*

*For the reasons stated above the complaint should be dismissed in its entirety.*

*We confirm that at all times, the advertisement was broadcast in*

*“PG” appropriate broadcasting times, in compliance with the CAD rating. We confirm that the advertisement was not placed in any “C” or “P” timeslots, or adjacent to any “C” or “P” timeslots, and that the media buy was targeted to the 25-54 age range.*

*Kellogg is pleased to have had the opportunity to respond to this complaint and to confirm its support for the ASB and the codes to which Kellogg is subject.*

## **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 disturbing and inappropriate for viewing by children.

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

The Board then considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience".

The Board noted that the advertisement is a light-hearted depiction of unexpected behaviour on the part of the man, prompted by a lack of clean underwear. The Board considered that the overall tone of the advertisement was humorous and the man's response to wearing the pink underpants as comical.

The Board noted the complainant's concern that the advertisement was disturbing and inappropriate and considered that this referred to the man wearing women's underwear.

The Board noted that the focus of the advertisement was on creating the scenario early on as to why the man was wearing the underpants.

The Board noted that the man is seen without a top with a towel around his waist for the first part of the advertisement and briefly in the pink underpants as he sits on the chair, at the end of the advertisement. The Board considered that the overwhelming tone of the advertisement was humour and that most people would understand the context as being funny, not disturbing.

The Board noted that the one image of the man in the underpants was fleeting and considered that the man's pose in the underpants, whilst scantily clad, was not sexually suggestive. The Board considered that the images of the man were not sexualised in nature.

The Board noted the advertiser's response that the intended audience are adults, as this is the demographic to which the product most appeals, and that the advertisement was broadcast in PG broadcasting times in compliance with its CAD rating.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

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

