



Case Report

1	Case Number	0227/16
2	Advertiser	Smith's Snackfood Co Ltd The
3	Product	Food and Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	25/05/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.6 - Health and Safety Unsafe behaviour
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The television advertisement opens with a man in a sports car handing the keys to a valet. The man says 'Don't scratch it'. The valet then eats a Dorito, looks at the sports car and smiles. He eats 3 Doritos and we next see the valet driving down the road in the fancy sports car and is pulled over by a policeman.

The valet offers the policeman some Doritos. The policeman eats 5 Doritos and we next see the policeman driving the sports car with the valet in the passenger seat. They see a person dressed in a banana outfit, pull over and eat a Doritos. We then see the policeman and the valet in the sports car with the person in the banana outfit in the back seat of the car.

THE COMPLAINT

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

Endorses illegal use of a motor vehicle.

THE ADVERTISER'S RESPONSE

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

The Doritos Corn Chips advertisement referred to by the complainant is called 'Valet'. We believe the advertisement is in line with acceptable community standards and does not as the claimant attests, "Endorses illegal use of a motor vehicle."

The ad is an adaption of an advertisement created by our parent company, PepsiCo Inc. It was originally an American commercial, made in 2013, that has recently gone to air in Australia, as part of the #ForTheBold campaign platform. The ad has been tested and subsequently used, in a number of countries around the world, including the US, UK, Turkey, Thailand, New Zealand and Mexico.

As indicated, the Doritos brand is positioned as "for the bold" and this is reflected in the product's functional attributes - full flavour and tooth rattling crunch and emotionally through it's "bold experiences" such as the one depicted in the ad. This is clearly a larger than life experience or dream, made possible by Doritos and which is reflected in the fantasy style story line – a young valet who drives an expensive sports car, gives someone in a banana suit a lift and gets pulled over by the police – who end up driving the car.

The advertisement carries an early super, which clearly indicates this is a larger than life experience – an exaggeration of the experience of eating Doritos. The super, early on in the advertisement states "Fictionalization. Do not attempt." Further the occupants in the car are clearly shown to be wearing seat belts.

The advertisement was pretested with Australian consumers prior to its usage in Australia with no major negatives and with key metrics confirming it was a highly engaging and entertaining piece of communication.

The campaign has been on air in free to air TV, Pay TV and on-line since April 1 with current plans to continue broadcast until November 30,2016 in a 30 and 15 second format. Since going to air, we have not received any other negative feedback regarding safety from the thousands of consumers who have seen the advertisement.

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 endorses the illegal use of a motor vehicle.

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

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 noted that the advertisement shows a sequence of fictitious events to highlight the experience of eating the Doritos.

The Board considered the complainant's concern about the illegal use of the motor vehicle.

The Board noted that at the commencement of the advertisement the advertiser states the advertisement is fictionalisation and throughout the advertisement the Board considered this was apparent with the various fantasy scenarios including the man dressed in a banana suit hitchhiking to Mexico and the wolf howling.

The Board considered that the various actions and activities in the advertisement are clearly exaggerated as a fantasy adventure and the advertisement overall was exaggerated and unrealistic and was not likely to encourage dangerous behaviour or condone illegal activity (including stealing). The Board considered that the advertiser has shown a highly stylised adventure not a criminal act.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards.

The Board determined that the advertisement 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.