



Case Report

1	Case Number	0231/15
2	Advertiser	Aldi Australia
3	Product	Retail
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	10/06/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

- Other Social Values
- 2.3 - Violence Causes alarm and distress
- 2.3 - Violence Cruelty to animals

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a caveman pointing at two different kinds of tin foil and we see their respective prices on screen with the brand foil being more expensive than Aldi's foil. The caveman then prods a foil-wrapped mammoth he is cooking over a large fire and we see the mammoth's front legs move and hear it trumpet.

THE COMPLAINT

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

This was an absolutely cruel, disgusting and sickening commercial. I didn't understand the point of it, other than the fact that it made my stomach turn. I'm not sure what kind of person would have approved of this commercial at your network.

This depicts cruelty to animals and is disgraceful and shameful.

There is too much animal cruelty in this world !! Simulating the cooking of a live Mammoth is unacceptable.

I found it very distressing to see the animal being roasted on the fire alive.

The hairy mammoth is still 'alive' whilst being 'cooked' on the campfire. It is seen moving and heard moaning in distress. Although the hairy mammoth is clearly not real, the notion of cooking an animal alive is nonetheless distressing and wholly inappropriate.

Felt it was unacceptable to be showing cooking an animal alive. Elephant was alive and moaning and cave man jabbed it with a spear. Very upsetting even if it wasn't real. Shows cruelty to animals is acceptable. When it is NOT.

THE ADVERTISER'S RESPONSE

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

RE: COMPLAINT REFERENCE NUMBER 0231/15 IN RELATION TO THE CAVE MAN ALDI TELEVISION COMMERCIAL We act on behalf of ALDI Stores in relation to this matter, and refer to your letter in relation to the above. 1. General description of the Advertisement. 1.1 The ALDI television advertisement (TVC) that has received the complaint is designed to show the benefit of shopping at ALDI through the comparison of prices for tin foil. To get across the idea of how large savings that could be for someone, the TVC uses the humorous and fanciful concept of wrapping a whole Woolly Mammoth prop in tin foil and cooking it on the fire. 2. In response to your letter our client has instructed us to respond as follows: 2.1 The TVC clearly does not discriminate against anyone, so it does not breach section 2.1 of the AANA Code of Ethics (the Code). 2.2 The TVC does not contain any content that could be suggested as sexually appealing, so it does not breach section 2.2 of the Code. 2.3 The TVC has the absurd notion of a cave man cooking a Woolly Mammoth on a fire, and then testing whether it is cooked. This is obviously an unrealistic scenario that would never take place in the real world. In this regard, we note that section 2.3 must be read subject to the "Prevailing Community Standards". It is so exaggerated and unrealistic, that most members of the community (or the prevailing community) would consider it humorous, and not a depiction of or condoning violence against animals. Further, taking into account the definition of 'violence' from the Macquarie dictionary as meaning "behaviour involving physical force intended to hurt, damage, or kill"; the definition would suggest that violence has to be committed against a living thing, and not a puppet. Accordingly it is our view that it does not breach section 2.3 of the Code. 2.4 The TVC does not contain any sexual content, so it does not breach section 2.4 of the Code. 2.5 The TVC does not contain any obscene language, so it does not breach section 2.5 of the Code. 2.6 The TVC does not breach section 2.6 for the same reasons as expressed in point 2.3, namely the prevailing community will see the advertisement as nothing more than humorous and absurd scenario, and does not at any time suggest that you should undertake what the cave man does. 3. Any other applicable Codes 3.1 The advertised "Product" as defined under the Code, i.e. tin foil, does not have a primary appeal to children, so the TVC is not subject to the AANA's Code of Advertising & Marketing Communications to Children. 4. Conclusion 4.1 The TVC does not breach any part of section 2 of the Code, as section 2 should be read subject to the Prevailing Community Standards. The general members of the public will see the TVC as simply depicting a humorous and absurd scenario, using a prop of a Woolly Mammoth, and not depicting or condoning violence against actual animals.

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 features a mammoth being cooked alive which is unacceptable cruelty to animals.

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

The Board considered whether the advertisement was in breach of 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 Board noted this television advertisement features a caveman demonstrating the price difference between Aldi tin foil and brand name tin foil before using a stick to prod a tin-foil clad mammoth shape he is cooking over a fire.

The Board noted that when the caveman prods the mammoth we hear it make a noise and see its front legs move. The Board noted that mammoths are extinct and considered that most reasonable members of the community would recognise the imagery of a caveman and mammoth is not a real-life depiction and a living mammoth is not being cooked over a fire. The Board acknowledged that the cooking of a live animal would be upsetting to some members of the community but considered in this instance we can only see the shape of an animal and as that animal is extinct the Board considered that the overall theme of the advertisement is far-fetched and humorous enough to not be depicting, condoning or encouraging violence towards living animals and is not an act that could be copied by members of the community.

The Board determined that the advertisement did not breach Section 2.3 of the Code.

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