



Case Report

1	Case Number	0232/13
2	Advertiser	Smith's Snackfood Co Ltd The
3	Product	Food and Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	24/07/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.4 - Sex/sexuality/nudity S/S/N - nudity
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

A young woman approaches a man who is by the edge of the water and has an open bag of chips. He lets her eat one of the chips. When she reached for another, he doesn't allow her to have one. The woman insinuates she is headed for a swim and then the man enters the water. The girls leaves with the bag of chips.

THE COMPLAINT

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

I am deeply offended by this advertisement as it sexualises women. We do not need women portraying themselves in this manner on television. She is sexually teasing the male which in effect normalises this behavior.

The advertisers are grossly irresponsible especially in our current rash of crime and rape statistics in this country.

We need to protect our young girls and women of this country, and this advertisement is certainly not.

Advertisement is overtly sexual and suggestive in nature (both visually and the voiceover script). It is not suitable to be shown in family viewing timeslot.

This advertisement is sexually provocative, with camera shots going through the female's bare legs, provocative gestures between the male and female, undressing. It was aired at 6:30pm while children are watching television. Children in today's society are being highly sexualised at a young age, and it is totally inappropriate for this advertisement to be contributing to the problem. I felt very uncomfortable watching that ad with my 2 children aged 8 and 3. We are trying to teach my 8 year old what is appropriate and not about the way we use our bodies, and protect him from this highly sexed society, but with ads like this invading our living room during children's viewing hours, it is getting harder to ensure that they keep the innocence that children deserve.

The thrust of the advertisement is a woman approaching a lone male in a remote location. Male is eating chips. Woman is scantily dressed and entices the male to follow her while she appears to be undressing. The male removes his shirt, both male and female are very attractive and there is an obvious sexual theme in the advertisement. The woman appears to encourage the male to swim partially nude in a river, he does so but realises he's been tricked and the woman steals his chips and his motor cycle leaving him alone and without transport. My problem? They are selling chips. Potato chips, a snack food. We know little about the product, the price, the availability, the health implications. We do, however, know all about the sexuality of these chips and the physical attributes of the chip eaters.

Imagine for a moment if the roles were reversed. A male approaches a young woman in a remote location, tricks her into thinking she'll receive sex and then steals her transport and food and leaves her alone in a remote location.

Why is this acceptable advertising in 2013?

I accept that society seems to approve of using sex to sell everything from nappies to lottery tickets, but the double standard here in this message is blatant and offensive. If the roles were reversed, and the woman was left behind, there would be howls of protest from across the board.

There's clearly a lot of advertising agency thought gone into this feature and a lot of money spent on the production, but it appears zero input has gone into the moral implications or the underlying message being broadcast.

THE ADVERTISER'S RESPONSE

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

Red Rock Deli is a premium potato chip targeted at adults. The Red Rock Deli advertisement referred to by the various complainants, supports the launch of a new flavour, Sour Cream and Caramelised Onion. The campaign is currently on air in metropolitan and regional markets starting 23/6/13.

Children are not the market for this brand of chips and we do not wish to reach them with this advertising, which is targeted at adults (25 years plus.)

In developing this commercial it was our intention to entertain adult viewers, not offend them. The advertisement playfully depicts the consequences of tasting Red Rock Deli's enticing or

seductive new flavour for the first time. It shows a chance meeting between two people which is portrayed with innocence rather than being overtly sexual. The location is parkland in Sydney (which is frequented by families and picnickers on the weekend and is thus not a “remote location”) and which provides a natural looking setting for the advertisement. The new Red Rock Deli Chips are so appealing, and the flavour is seductive, that the woman in the commercial runs away from the man, hops on his motorcycle with the packet of Red Rock Deli, and leaves the male character behind. The woman is fully clothed at all times in a summer dress (not “scantily dressed”) and the male lead is left in the lake with his shirt off and jeans on with the waistband clearly visible (and not “partially nude”).

The advertisement is not scheduled in children’s viewing time nor is it knowingly placed in programs targeted at children. The three commercials were submitted to CAD and were given a ‘W’ rating”. Details are:

45 second Key number RRD10009T145R; CAD Approval Number WXXPWFS.

30 second Key number RRD10009T230R; CAD Approval Number WXXPXFSA.

15 second Key number RRD10009T315; CAD Approval Number WXET2FSA

We assure the ASB that in scheduling the placement of the commercial we were mindful of the CAD “W” rating guideline as well as our commitments under the AFGC Responsible Children’s Marketing Initiative (RCMI). The advertisement has not and will not knowingly be placed in programs that are promoted for viewing by children or likely to attract substantial numbers of children. All television programs in which the Red Rock Deli advertisement appear in, or fall well below the children audience levels specified by the RCMI.

The times quoted by all complainants (9.10pm and 6.30pm) at which the complainants saw the advertisement for Red Rock Del, are outside children’s television viewing times and further the programs in which the ad appeared do not have a high viewership of children 12 years and under. For example, one complainant saw the advertisement on GEM at 9.10pm Tuesday 25/6/13. In this timeslot The Mentalist was showing and had a 0-12yr profile of 2%. Another complainant saw the ad on the 10 Network Sunday 30/6/13 (no time given), the highest ranked profile for programming that entire day nationally was 21% of 0-12 years for The New Simpsons – again significantly below the 50% threshold.

A third complainant saw the ad on WIN TV at 6.30pm again on Sunday 30/6/13. Whilst we do not have specific audience data for this regional market, we can use the Sunday News on the 9 Network nationally as an indicator, and it delivered an audience profile of 7% 0-12 years on that day.

We have a responsibility to ensure our advertising and promotion meets appropriate community standards. We believe that we have met these standards and those detailed as part of our commitments under the RCMI.

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 sexually provocative; it sexualises women and is inappropriate for viewing by children. The Board noted the concerns also, that approaching strangers in secluded areas is unsafe and potentially dangerous.

The Board considered whether the advertisement was in breach of Section 2.1 of the Code.

Section 2.1 of the Code states: “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...gender...”

The Board noted the advertisement depicts a scenario where a young woman approaches a man who is by the edge of the water and has an open bag of chips. He lets her eat one of the chips. When she reaches for another, he doesn't allow her to have one. The woman insinuates she is headed for a swim by starting to remove some of her clothing. The man takes off his shirt and then enters the water. The girl sneaks away, leaving the man in the water as she takes his motorbike and bag of chips.

The Board noted that the advertisement is suggesting that the couple do not know each other and that it is a chance meeting of the pair. The Board agreed that the scenario is presented clearly in a fictional manner and that it is unlikely that the events that take place are likely to occur as they are portrayed.

The Board considered that the woman was not depicted in a way that discriminates or vilifies a section of the community on account of gender and that it does not breach section 2.1 of the Code.

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 woman is presented in a sultry, seductive manner and that she is shown to be using her physical appeal as a way to draw the man away from his chips. The Board considered that the suggestion of luring the man into the water using seduction is an adult concept and one that is not likely to be understood by children.

The Board considered that the woman is fully covered by her dress and not exposing any parts of her body. The Board agreed that the woman does seem to encourage the man into the water by suggesting that she is going to swim as well and that although she seems to be removing some of her clothing, there are no visuals of her body.

The Board noted that the “W” rating given by CAD and noted that the advertisement had been aired in the appropriate time slot for the 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.

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 noted the complainant’s concerns that the depiction of a young woman approaching a stranger in a secluded place and flirting with the man in this way is an unsafe behaviour and should not be portrayed in a way that normalises the behaviour and could encourage young girls to copy this.

The Board noted that there is significant community concern surrounding issues related to sexual violence and the safety of young people in the community. The Board considered however that the advertisement is not condoning or encouraging young people (in particular young girls) to approach strangers and to use sexual appeal as a means of obtaining other things.

Based on the above the Board considered 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.

Further finding that the advertisement did not breach the Code on any grounds, the Board dismissed the complaint.

