



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0232-19
2. Advertiser :	Tasmanian Bakeries
3. Product :	Food/Bev Groceries
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	24-Jul-2019
6. DETERMINATION :	Upheld - Modified or Discontinued

ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety
AANA Code of Ethics\2.4 Sex/sexuality/nudity
AANA Code of Ethics\2.1 Discrimination or Vilification
AANA Code of Ethics\2.5 Language

DESCRIPTION OF ADVERTISEMENT

This television advertisement features a woman and her friends driving in a car. The voice over states 'Driving around Lonnie at night doesn't need an overhaul. You do 400 laps around the same city block, because that's what we like to do here cock. Go stick a pie in your national pie hole.'

The car pulls away from a curb as two men are seen gesturing after the car. A woman in the back seat puts her head out the window to look at them and waves as she mouths 'that's what we like to do here cock'.

THE COMPLAINT

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

Inappropriate and offensive advertising stating and displaying poor and unsafe driving "400 times around local city block". A female in the rear of the car is shown performing dangerous activities in hanging her head outside of a moving car and also



she performs an offensive gesture outside the car. The wording of advertising to "stick a pie in your national pie hole" is gender and sexually offensive and in very poor taste with moral standards. This is not the first advertisement with the same theme and similar content/ wording, all in very poor taste and offensive within the community, but this is by far the poorest example of the series of ads with the display of dangerous and unacceptable driving standards. This ad should be removed immediately and the producers and participants of this dealt with appropriately by law enforcement, and fined for dangerous driving as appropriate.

THE ADVERTISER'S RESPONSE

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

Firstly, I would like to thank you for bringing these concerns from members of the public to our attention. Tasmanian Bakeries takes feedback from our community very seriously and we appreciate the knowledge of any issues emerging from our latest campaign.

As such, we provide the following background and context to the advertisement in question for the benefit of the Ad Standards Community Panel in its review of these complaints.

Campaign background:

Tasmanian Bakeries recently launched a new advertising campaign to promote our National Pies product line, designed to celebrate our heritage and uniqueness with our fellow Tasmanians.

We have been making our famous National Pies since 1942 and we have stayed proudly Tasmanian throughout this time. Through the new campaign, we wanted to celebrate our unique island state and remind our loyal community how lucky we are to live in such a special place.

The campaign highlights those eccentricities that are exclusive to our state, just as National Pies are uniquely and proudly Tasmanian. It is a tongue in cheek campaign that puts a mirror to the people of Tasmania and hopefully makes them smile.

We put a lot of thought and research into identifying specific scenarios, which only Tasmanians would recognise and relate to.

With eight scenarios created as part of the campaign, we recognise that not every one of them will be identified with by all in the community, but we hope there is at least one for everyone.



The scenarios we've chosen to highlight include Tasmanians inability to let people merge in front of them when driving, oversized bonfires, early morning surf beach carpark changerooms and playing a game of 'Blundstone Cinderella'.

The general reaction to the advertisements has been overwhelmingly positive and encouraging. People have enjoyed seeing our Tasmanian traits on-screen, with a vast majority seeing the humour that comes from such truthful and well-produced insights.

It was never our intention to offend anyone and we are sincerely sorry to hear there are people who find parts of the campaign offensive. We only ever sought to take a humorous look at some of those behavioural eccentricities which are distinctly Tasmanian – just as a National Pie is an integral part of the lives of many Tasmanians.

The advertisement under review

The advertisement depicting the 'blockies' scenario, referred to in the complaints received by Ad Standards, is the fourth in the series for this campaign, with others rolling out in the coming weeks.

In most Tasmanian towns there is a common blockie route, and we simply sought to celebrate the freedom that comes with getting your provisional driver's license (P plates) and being able to drive your friends around for the first time.

The piece was stringently reviewed by the classification authority CAD and issued with a 'P' classification. We wholeheartedly respect this decision and guidance from CAD and consequently this piece was not booked during identified children's viewing times, which bear the lower ranked 'C' or 'G' classification.

Again, it was certainly never our intention to offend anyone. The advertisement simply seeks to take a humorous look at some of those behavioural and language eccentricities which are distinctly Tasmanian and are a part of our everyday life.

Advertisement description

The execution of the 'blockies' scenario includes a 15-second advertisement created for free-to-air television, as well as an alternate cut which was produced solely for social media.

This specific ad tells the story of a group of three female friends who are enjoying the freedom that comes with getting your provisional licence ('P's) and being able to drive friends around for the first time. The advertisement begins with the driver of a red sedan laughing as she turns a corner, with her friends in the car gesturing to two male friends on the footpath before driving away, leaving the two males attempting to chase the car as they watch on in the distance. The females in both the driver and passenger seats share a laugh and cover their mouths as their friend in the back seat calls out to the males then gestures directly at the camera.

Regarding the gesture that was actioned by the passenger in the rear seat of the vehicle, this 'blockies' piece featured two alternative cuts. The first is a general cut



that ends with a normal handwave. The second features a single finger gesture directly to camera. This second cut was designed for release to limited audiences only – those being our social media followers, where posting age restrictions are applied.

Unfortunately, through a human/clerical error, the incorrect version of the advertisement was sent to the TV stations and was subsequently put to air on Sunday 14 July 2019. As soon as we identified the error, swift action was instigated to remove this piece, as it was never designed for the Free to Air TV environment.

This particular 'blockies' ad is scheduled to run on both Southern Cross and WIN from Sunday 14 until Saturday 27 July. After finding the material error, the ad was pulled from the stations and the correct material was re-sent on Monday 15 July 2019 to take its place.

The correct material will be running from Tuesday 16 July until the scheduled finish date of Saturday 27 July. There is currently no plan or schedule for this ad to reappear on Free to Air TV as a 15 second ad. There is a 60 second ad that has the 15 second content included in it, along with other campaign scenarios, that is planned for Free to Air TV from Sunday 13 October to Saturday 19 October and again from Sunday 27 October to Saturday 2 November.

AANA responses to specific issues raised

2.1 Discrimination or Vilification\Gender

Although Tasmanian Bakeries takes this complaint very seriously, we do not feel that our advertisement depicts discrimination or vilification.

Discrimination is the unjust or prejudicial treatment of different categories of people, especially on the grounds of race, age, or sex, or the recognition and understanding of the difference between one thing and another. Vilification is the use of abusively disparaging speech or writing or expressing the opinion that something is of little worth or derogatory.

We do not believe that this advertisement portrays either of these things, particularly in reference to gender, and certainly not in a way that is meant to derogatorily refer to Launceston. We are not calling anybody out, dictating right from wrong or passing judgement on how Tasmanians spend their time. The voice over states that 'driving around Lonnie at night doesn't need an overhaul' expressing that the idea of 'blockies' is a timeless tradition that many people can identify with. Like all aspects of this campaign in its entirety, we are highlighting unique Tasmanian traits, quirks and activities that make us who we are today.

2.4 Sex/sexuality/nudity\S/S/N – general

The complaint received voices concern about the campaign line 'Stick a pie in your National Pie-Hole' as being gender and sexually offensive. We do not feel the campaign tagline reflects this at all.



A commonly used phrase is to 'shut your pie-hole' or 'stick it in your pie-hole' – a term regularly used in everyday conversation as a slightly more polite and humorous way of telling someone to stop talking.

We have played on this common use of phrasing, suggesting that you stick one of our pies in your mouth and eat it. We have added the word 'National' to reflect our brand and the product we are selling. 'Stick it in your National Pie-hole' is intended to be a celebration of our pride and confidence. It is in no way gender-biased or used in a sexist or derogatory way.

2.6 Health and Safety\Motor vehicle related

The complaint in the case document comments on 'poor and unsafe driving' and refers to a part of the voice over that states '400 laps around the same city block'.

This part of the ad is referring to a favourite past-time in many Tasmanian cities and towns. Its intention is to highlight the fact that for a lot of young Tasmanians, in many local towns, there is a common 'blockie' route. We are celebrating the freedom that comes with getting your provisional license (P plates) and being able to drive your friends around. The driving shown in the advertisement is representing normal and acceptable driving behaviours. All the occupants of the car are wearing their seatbelts, the car is not travelling at excessive speed, doing burnouts, racing or fishtailing, they are not shown running orange or red lights, and the use of indicators is clearly visible.

The complaint comments on 'a female in the rear of the car is shown performing dangerous activities in hanging her head outside of a moving car'. The vision does show the female leaning her head and arm partially out of the car, while still wearing a seatbelt. It shows her making comment to two friends they were talking to on the footpath as the car pulls away. It does not show the occupant leaning excessively out of the vehicle or for a long period of time. It does not show her performing like this alongside another moving vehicle or through traffic. The commercial is in no way intended to promote or highlight poor behaviour.

CODE OF ETHICS SECTIONS

2.2 – Exploitative or degrading

There are no exploitative or degrading issues in this advertisement.

2.3 – Violence

There is no violence depicted in this advertisement.

2.5 – Language

It was never our intention to offend anyone with the language used in this campaign. Although not addressed directly in this complaint, there is a word used in the ad that may have potentially offended the viewer. The research undertaken in the early stages of the development of this campaign identified that in a friendly manner the word 'cock' has for a long time been a common, sociable term unique to Tasmania. While a less common term today, among sporting and rural circles it is still used positively



among friends. The phrase ‘because that’s what we like to do here, cock’ was a homage to this uniquely Tasmanian affectionate term and is in no way intended to be seen as a negative put down. It is not a reference to genitals, but to the rooster – ‘cock’ – i.e. someone who carries themselves in a proud way. The advertisement simply seeks to take a light-hearted look at some of those behavioural eccentricities which are distinctly Tasmanian – just as a National Pie is an integral part of the lives of many Tasmanians.

2.6 – Distinguishable as advertising

The content is very distinguishable as an advertisement. The end screen clearly shows company branding with both the ‘Tasmanian Bakeries Since 1942’ and ‘Proper National Pies’ logos, and a product shot of a National Pie. The voice over also includes lines such as ‘stick a pie in your National Pie-hole’.

As this is the fourth ad in the campaign, viewers are quite familiar with the previously aired ads which are in a similar tone and vernacular. Other ads in the campaign also speak to the way we make our product and the ingredients used.

THE DETERMINATION

The Ad Standards Community Panel (Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant’s concern that the advertisement features unsafe driving, and is gender and sexually offensive.

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

The Panel noted the television advertisement features a woman and her friends driving in a car. The voice over states 'Driving around Lonnie at night doesn't need an overhaul. You do 400 laps around the same city block, because that's what we like to do here cock. Go stick a pie in your national pie hole.' The car pulls away from a curb as two men are seen gesturing after the car. A woman in the back seat puts her head out the window to look at them and waves as she mouths 'that's what we like to do here cock'.

The Panel 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 Panel noted the Practice Note to Section 2.1 provides the following definitions:

“Discrimination – unfair or less favourable treatment.

Vilification – humiliates, intimidates, incites hatred, contempt or ridicule.”



The Panel noted the complainant's concern that the words 'stick a pie in your national pie hole' is offensive on the basis of gender.

The Panel considered that the phrase "stick a pie in your national pie hole" was a call to action for people to eat the product, and was not directed at any particular gender. The Panel noted that the advertisement featured three females in a car doing 'blockies' but that this portrayal did not show the women receiving unfair or less favourable treatment and did not portray the women in a way which humiliates, intimidates, incites hatred, contempt or ridicule.

The Panel determined that the advertisement did not discriminate against or vilify any person or section of the community on account of gender and did not breach Section 2.1 of the Code.

The Panel considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: "Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided".

The Panel noted the complainant's concern that the words "stick a pie in your national pie hole" are gender and sexually offensive.

The Panel considered that pie hole is slang for mouth and that the phrase "stick a pie in your national pie hole" is not sexual or directed at any particular gender. The Panel considered that this phrase is not said in an aggressive manner and is said positively in the context of promoting the National Pies brand.

The Panel considered the use of the word cock in the advertisement. The Panel considered the advertiser's response that 'cock' is an affectionate term unique to Tasmanians and is not used in a negative way.

The Panel noted the advertisement had been given a P (Parental Guidance) rating by ClearAds and as such would not be played during children's or pre-school programming.

The Panel considered that the way the word 'cock' is said by the voice over and mouthed by the woman is not aggressive and is said in a manner consistent with the slang usage.

The Panel considered that in the context of a PG rating the term was not inappropriate in the circumstances and was not strong or obscene language, and therefore did not breach Section 2.5 of the Code.

The Panel considered whether the advertisement breached 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 Panel noted the complainant's concern that the advertisement displays poor and unsafe driving and displays dangerous and unacceptable driving standards.

The Panel noted the advertiser's response that the driving presented in the advertisement represented normal and acceptable driving behaviours.

The Panel noted the reference to doing 400 laps around the same city block and considered that this driving practice in itself is not unsafe or dangerous and would not be considered contrary to Prevailing Community Standards on health and safety.

The Panel noted that they had previously considered an advertisement which depicted a woman with her head and arm outside the car in case 0293-17, in which:

"The Board noted that Section 268, Part (3) of the Australian Road Rules (http://www.legislation.act.gov.au/ni/db_37271/current/pdf/db_37271.pdf) provides: "A person must not travel in or on a motor vehicle with any part of the person's body outside a window or door of the vehicle, unless the person is the driver of the vehicle and is giving a hand signal..."

The Board noted that in one scene Delta has her head leaning out of the open window with her arm resting just outside the vehicle, and in a later scene Delta has her elbow resting on the open window with her hand resting on the top of the window frame, external to the vehicle. The Board considered that these depictions are a breach of the Road Rules."

Similarly, the Panel considered that in the current advertisement the rear passenger's behaviour in leaning her head and arm outside of the vehicle would be a clear breach of the Road Rules. The Panel considered that most members of the community would consider road rules to be consistent with Prevailing Community Standards on road safety and that a depiction of a person clearly breaching the Road Rules would be contrary to Prevailing community Standards.

In the Panel's view the advertisement does depict material contrary to Prevailing Community Standards on health and safety and that it did breach Section 2.6 of the Code.

Finding that the advertisement did breach Section 2.6 of the Code, the Panel upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

I wish to thank the board for reviewing our case and advise that we will accept the decision that has been handed down. As a short burst campaign featuring multiple pieces of connected content, at the time of decision this particular 15 second piece of campaign content had in fact completed its scheduled window of broadcast on Free



to Air television. Moving forward, this particular piece will not be re-booked in the Free to Air TV environment.