



Case Report

1	Case Number	0234/13
2	Advertiser	Retail Food Group
3	Product	Food / Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	24/07/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

A 15 second television advertisement that visually depicts the new Donut King Amazeballs (warm donut balls filled with either choc-orange filing or apple cinnamon filling) positioned on a wooden cutting board, with voice over commentary and supported by an end 'Amazeballs' graphic in a onomatopoeic font.

THE COMPLAINT

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

The advertising was probably scheduled late at night to see what the 'complaint rate' may have been The company certainly wouldn't put the ad on during the day- especially in prime-time school holiday time.

If it was an appropriate ad, why wasn't it shown in day time viewing?

Why was it on late at night?

Why were there only two of these balls?

In the company blog, they suggest they are balls, but in a different blog they are likened to "balls"- yes "testicles". Oh puh-lease!

Can we please set some standards? Some class!!

I for one am sick of seeing tits bums, bumps & grinds, and inappropriate adverts or music/video clips/songs with a huge amount of sexualisation and sexual street-talk.

The donuts are clearly positioned to look like breasts. The jam is oozing out so it appears like nipples, which jam donuts do not usually appear like in my experience. This ad is offensive to me & I'm sure countless others.

I do not like the way the product is displayed on a plate/board to represent two breasts with nipples!!

It is not right that a donut company is resorting to not so subtle sexual innuendo to sell a donut!!

I felt the the picture of the round doughnuts resembled breasts with nipples. A voice said afterwards 'Amazing Balls'.

THE ADVERTISER'S RESPONSE

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

We refer to your letter of 4 July 2013 in relation to the complaints received by the Advertising Standards Bureau about the "Amazeballs" donut product (hereafter referred to as "Amazeballs").

The substance of the complaints regarding the advertisements can be summarised as that the television commercial consists of two filled donuts which the complainants perceive to have been displayed to resemble breasts and nipples.

Donut King does not consider the television commercial to be indecent or at all sexual. The television commercial does not contravene section 2.4 of the AANA Code of Ethics.

Amazeballs can be properly described as a round donut that is cooked and served warm, similar to a jam-filled donut. The product comes in a choice of two flavours, either 'Chocolate Orange' or 'Apple & Cinnamon'. A small amount of filling can be seen from the outside of each Amazeball, so that the flavour inside each can be readily identifiable. The Chocolate Orange Amazeball has a brown-coloured dot and the Apple & Cinnamon Amazeball has a ochre-coloured dot.

There has been no intention (direct or implied) by Donut King for the Amazeballs to resemble breasts and nipples. By their very nature, filled donuts are round in shape and they have not been positioned, angled or propped-up in any way which differs to how they would sit in a display cabinet for sale. Their depiction is how the product appears in real life.

As noted above, the filling can be seen from the outside of each Amazeball but it does not ooze out. The rotation of each Amazeball was intentional so as to allow the viewer of the television commercial to see that two flavours were available. Any resemblance to breasts

and nipples is entirely coincidental and unintentional.

The name of the product, Amazeballs does not have an overt or implied sexual meaning and is not language that may denigrate, insult or offend a reasonable consumer. We note that the word is defined in the online version of the Collins English Dictionary as a slang term for ‘an expression of enthusiastic approval’.

With respect to the AANA Code for Advertising and Marketing Communications to Children and the AANA Food and Beverages Marketing and Communications Code, it is submitted that Amazeballs are not targeted toward and having principal appeal to children. Instead, Amazeballs seek broad appeal amongst the general community.

In closing, Donut King takes its responsibilities to comply with the relevant advertising codes (including the AANA Advertiser Code of Ethics) seriously and does not consider the Amazeballs television commercial to be in any way indecent. There is, simply put, no sexual innuendo (intentional or otherwise) in the television commercial.

Donut King does not believe a reasonable person would infer any sexual innuendo in the television commercial and is genuinely surprised that the Advertising Standards Bureau is in receipt of such complaints. It is noted that Donut King has not to date received any complaints directly from any customer or viewer of the television commercial.

We respectfully maintain that the material complained does not contravene section 2 of the AANA Advertiser Code of Ethics.

Given the foregoing, we request that the complaint be dismissed.

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 contains imagery that is intended to be sexualised by presenting a food to appear to look like female breasts and the advertisement is offensive and not appropriate for viewing by children.

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

The Board 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 features two of the new donut range called “Amazeballs” placed on a wooden block with some other ingredients. The sugary donut balls have some of the filling visible and the voiceover describes the product and the use of the term “amazeballs” as a way to describe the nature of the new product.

The Board noted that the use of the term “amazeballs” has become a popular term used among the younger generations in a colloquial manner to express extreme enthusiasm about an event or thing.

The Board considered that the advertiser has the choice to name their product in a suitable way and that in the context of donuts being shaped in a round (ball like) fashion, it is not unrealistic to use a term that refers to balls in some way.

The Board noted that the image of the donuts on the Board is designed to show the feature of the product that is new ie: the flavoured filling. The Board noted that the image included other ingredients on the plate that make up the flavours of the filling. The Board considered that the interpretation that the donuts were placed to appear like breasts is an interpretation that was unlikely to be shared by most members of the community. The Board considered that, the fact that the product is round and has filling visible is not suggestive of female anatomy and is not inappropriate.

The Board determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and that it 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 complaint.