



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0234/18
2	Advertiser	Lion
3	Product	Food and Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	09/05/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Bullying (non violent)

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts a new father in the hospital with his newborn son. A nurse appears at the door and says, "Mr. Murray, have you decided on a name?" and the dad responds with, "We're thinking, Callum". He then shakes the bottle of Dare as he continues to think, and the ad cuts to scenarios of what the dad imagines his son's life could be like if he was named 'Callum Murray', which sounds like 'calamari', including going to school, playing sports, working in a grocery store, being pulled over by a police officer and getting married. In each case people laugh at the name. The father takes a drink of iced coffee and changes his mind, deciding to call his son Jack.

THE COMPLAINT

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

I am extremely insensed that an advertisement that clearly promotes bullying is allowed to be shown on TV at any time, but to be shown on weekend mornings when a



lot of children are watching is appalling.

The advertisement that I am referring to is the one we're a child and then a young man is bullied and laughed at because of his name "calamari".

With TV stations and commentators all saying that they are appalled by bullying and the rate of youth suicide, what message is this advertisement saying to children, that it is OK to bully someone about because of their name?

The first part of this advertisement has nothing to do with the product but clearly shows this person being bullied because of his name.

I feel this advertisement should be removed immediately and destroyed.

I am distressed by this advertisement.

THE ADVERTISER'S RESPONSE

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

The advertisement referred to in the complaint features a dad in hospital looking at his newborn son, holding a Dare. A nurse appears at the door and says, "Mr. Murray, have you decided on a name?" and the dad responds with, "We're thinking, Callum". He then shakes the bottle of Dare as he continues to think, and the ad cuts to scenarios of what the dad imagines his son's life could be like if he was named 'Callum Murray', which sounds like 'calamari'.

For context, this Dare advertisement is part of a wider creative platform based around the tagline "A Dare Fix'll Fix it" where Dare presents itself as the solution for occasions when people aren't thinking straight. This creative platform was introduced in 2011, and has come to life through various media, including TV commercials, out of home, radio, digital and social media advertisements dramatising how Dare can be the solution in a variety of occasions when people aren't thinking straight. This Dare advertisement is an evolution of the "not thinking straight" concept. Dare is positioned as a beverage that helps people take the time to contemplate before making a decision, hence the end tag-line, 'DRINK IT THROUGH. A DARE FIX'LL FIX IT'. In this case, the father decides to call his son Jack (Murray).

The CAD reference number for the advertisement is W5JSSNAA. The CAD rating is W.

The advertising agency used for the creation of the advertisement was AJF Partnership. The media buyer was Starcom Worldwide.

The complaint

The complaint alleges that the advertisement is offensive because it promotes bullying and was broadcast on a weekend morning when children are watching.



The Code

Ad Standards has identified section 2.6 as a potentially relevant provision of the AANA Code of Ethics (the Code). Section 2.6 of the Code states that "Advertising or Marketing Communications must not depict material contrary to Prevailing Community Standards on health and safety".

Prevailing Community Standards are defined in the Code as "the community standards determined by the Community Panel as those prevailing at the relevant time in relation to Advertising or Marketing Communications.....and having regard to Practice Notes published by AANA and any research conducted by Ad Standards". Under the Health and Safety: Determination Summary, the Community Panel notes that "advertising which depicts people interacting with each other in a friendly and joking way will not be seen as bullying where there is no negative reaction from any of the people".

Response

Lion has carefully considered the complaint and submits that the advertisement is not in breach of the Code (specifically section 2.6) for the following reasons:

- Callum appears in various scenes where people are amused by his name. At most, their reaction could be characterised as annoying, certainly not bullying.*
- Callum does not appear in any way threatened, harmed or saddened by their reaction. Rather than having a negative response, Callum is depicted as bored by their amusement.*
- Callum is shown growing up and getting married to a beautiful bride, and being unaffected/unharmed by the reaction that other people have had to his name.*
- The advertisement is clearly filmed in a lighthearted and humorous manner. The father's decision to call his son Jack, coupled with the tagline "Drink it Through with Dare Iced Coffee", is a humorous nod to what might have been had he not thought things through. The scenes of what his son's life could have been like are fictional, stemming from the father's imagination.*
- Also, at no point is violence demonstrated or implied towards Callum. To the contrary:
o he is actively engaged and happily participating in each scene for example he is playing basketball, he is getting married and is working.
o the basketball scene shows Callum about to shoot a goal with his classmates in the background encouraging him to take a shot by reference to his nickname "Squiddo".*



using a nickname like "Squiddo" is intended as a term of familiarity and endearment which is common in Australian culture. The manner and tone in which the nickname is spoken indicates that no harm is intended (or indeed caused) to Callum; o the scene where Callum is saying his vows shows his wife-to-be giggling in an affectionate manner while saying his name; and o the scene in which the police officer asks "why did they call you that?" is clearly a humorous exchange between two grown adults and is intended to make light of the parents' naming decision.

Overall, we submit that the reasonable viewer will appreciate the contextual humour and will not perceive the advertisement as promoting bullying.

Other provisions of the Code

In our view, the advertisement does not raise any issues under the other sections of the Code because the advertisement:

- does not discriminate or vilify a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, disability, mental illness or political belief (section 2.1)*
- does not employ sexual appeal involving the use of images of Minors or otherwise in a manner that is exploitative or degrading of any individual or group of people (section 2.2)*
- does not present or portray violence (section 2.3)*
- does not present sex, sexuality or nudity (section 2.4)*
- does not use inappropriate, strong or obscene language (section 2.5)*
- is clearly distinguishable as advertising intended to promote Dare Iced Coffee (section 2.7).*

AANA Code for Advertising & Marketing Communications to Children (the "Children's Code")

For completeness, we also note that the advertisement is clearly aimed at adults given the themes, visuals and language used. Furthermore, the advertisement has not been shown during any children's programming. We have specifically directed our media buyer to purchase media during programming targeted to adults aged 25-54. Accordingly, it is not an Advertising or Marketing Communication to Children within the meaning of the Children's Code.



Conclusion

In view of the above, we consider the complaint should be dismissed.

Lion takes its obligations under the Code very seriously and certainly does not condone bullying or threatening behaviour of any kind.

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 bullying.

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

The Panel noted that this television advertisement features a new father in a hospital naming his child, he considers the name Callum Murray and imagines what his son’s life would be like with this name. He reconsiders the name and decides to call his son Jack instead.

The Panel 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 Panel noted that the Practice Note for Section 2.6 of the Code provides: “the age of the people depicted in an advertisement, their relationship to each other and the nature of the communication are relevant in determining whether an advertisement constitutes bullying and is contrary to Prevailing Community Standards.”

The Panel noted the complainant’s concerns that the advertisement promotes bullying.

The Panel noted the advertiser’s response that the advertisement is light-hearted and humorous and the ‘Callum’ character is not threatened, harmed or saddened.’

The Panel considered that the comedic sequence in the advertisement is hypothetical and exaggerated.

The Panel considered that considering the benefits and downfalls for potential names



for children is a common theme for new parents and that the advertisement shows what are clearly imagined scenes where the child progresses to a man and is seen being teased at varying stages about his name sounding like calamari. The Panel considered that the advertisement does present teasing in a humorous manner and reflects the reality of a poor name choice, and the father changing the name will avoid these situations for the child.

In the current advertisement, the Panel considered that the advertisement does not depict aggressive behaviour towards the Callum character. The Panel considered that Cullum was not shown to be concerned by the reactions of others, and finds it annoying rather than hurtful.

The Panel considered in the context of the light-hearted and hypothetical theme of the advertisement and the absence of aggression or a negative reaction from Callum the Panel considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety regarding bullying. The Panel 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 Panel dismissed the complaint.

