



**ADVERTISING
STANDARDS
BUREAU**

Level 2, 97 Northbourne Avenue, Turner ACT 2612
Ph (02) 6173 1500 | Fax (02) 6262 9833
www.adstandards.com.au

ACN 084 452 666

Case Report

1	Case Number	0237/14
2	Advertiser	Nutricia Australasia Pty Ltd
3	Product	Food and Beverages
4	Type of Advertisement / media	Free TV
5	Date of Determination	23/07/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The advertisement is promoting Karicare formula and features young children holding up signs with different benefits of the formula written on them. In one scene we see a woman breastfeeding her infant.

THE COMPLAINT

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

I was watching a tv show with my husband when the ad flashed on. The ad showed a baby mid-feeding on a woman's breast.

I am not offended but I don't think that it was necessary to show that much detail in the ad. You could see the child tugging on the breast.

I have seen other Karicare ads which I would describe as appropriate. It was just the one scene I think was too much.

I am FOR breast feeding and LOVE the female body! I just think it doesn't need to be seen.

THE ADVERTISER'S RESPONSE

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

I refer for your letter inviting Danone Nutricia's response to ASB complaint 0237/14 regarding our television advertisement for our Karicare Plus Toddler Stage 3 product.

General comment

The complaint is about the showing of an image of a woman breast feeding a baby during the advertisement.

In regard to the AANA Advertiser Code of Ethics, Danone Nutricia strongly refutes that we are in breach of any provision of Section 2. The advertisement conforms to Prevailing Community Standards in relation to all parts of Section 2 (2.1 – 2.6).

In particular, the image of a woman breast feeding her child cannot in any circumstances be interpreted as failing prevailing community standards of decency, morality, exploitation, degradation, sexuality, language or health and safety.

A women breast feeding is a natural part of life and a normal activity that occurs within society. The Joint WHO / UNICEF Meeting on Infant and Young Child Feeding, Geneva, October, 1979 issued the following statement on the natural activity of breast feeding:

'Breastfeeding is an integral part of the reproductive process, the natural and ideal way of feeding the infant and a unique biological and emotional basis for child development.'

Danone Nutricia actively supports breast feeding and the WHO global public health recommendation calling for exclusive breast feeding for the first six months of life and continued breast feeding along with the introduction of safe and appropriate complementary foods thereafter. This support is publically available via our global policy document "Danone Policy for the Marketing of Foods for Infants and Young Children". In marketing and promotion of our infant formula products, Danone Nutricia is committed to the aims and principles of the "WHO International Code of Marketing of Breast Milk Substitutes" and in Australia is a signatory to the Australian Government "Marketing in Australia of Infant Formula Agreement" (MAIF Agreement), a document that gives the Australian Government's effect to the WHO Code.

The image of the woman breast feeding in the advertisement is done in the context of a woman moving on from breast feeding to use a nutritional supplement for a toddler aged from 1 year of age as part of a normal, healthy diet. The major focus of the advertisement is the nutritional benefits of the toddler supplementary milk drink. The image is taken in an entirely natural situation; the woman's modesty is upheld as the baby is shown breast feeding. The image lasts less than 1 second in a 30 second advertisement. The woman has a cardigan covering her body, with only part of her breast exposed as the baby breast feeds. There is no full display of the woman's breast. The baby is fully clothed and shown in a natural depiction of breast feeding. This image is also used globally in advertisements by our parent company Danone.

The complainant, in her reason for concern, admits that she is "not offended" by the image of the woman breast feeding and is "FOR breast feeding". The complainant's main concern was that it wasn't necessary to show the detail of a baby suckling. A baby suckling is a natural part of the activity of breast feeding and its depiction is realistic and does not give a negative portrayal of a woman breast feeding her child. As already stated, the image is less

than 1 second in a 30 second advertisement and shown to put into context, an infant moving on from breast feeding to a nutritional supplement milk drink.

In relation to the AANA Food & Beverage Advertising & Marketing Communications Code, the advertisement is an accurate presentation of nutritional values and benefits of the product in accordance with NHMRC Nutrient Reference Values for Australia and New Zealand. The advertisement is also compliant with the Australia New Zealand Food Standards Code, Standards 2.9.3 and Standard 1.1A.2.

This response will now address all parts of Section 2 of the AANA Code of Ethics in defense of our advertisement against the complaint.

2.1 Discrimination or vilification

The complainant does not raise the issues of discrimination or vilification. The advertisement does not discriminate against breast feeding women, nor vilifies this group for taking part in an entirely natural part of life. The image of a woman breast feeding is not unfair nor does it treat the activity in an unfavourable light. The advertisement is highly supportive of the most natural activity of breast feeding. It maintains the integrity and modesty of the woman and infant.

2.2 Exploitative and degrading

The advertisement is neither exploitative nor degrading. The advertisement does not exploit nor degrade a woman in the activity of breast feeding. Breast feeding is one of the most natural acts of a mother feeding her infant. The image of the woman breast feeding her baby is done in a manner that is entirely natural and modest and does not abuse this activity for the enjoyment of others or objectification of women.

2.3 Violence

There is no violence shown in this advertisement.

2.4 Sex, sexuality and nudity

The image of a woman breast feeding is neither sexually explicit nor a depiction of nudity. Breast feeding is a natural part of life, a natural and normal means of feeding babies and infants. Its portrayal in this advertisement is undertaken in an understated, normal and modest way to put into context where a toddler nutritional supplement could be introduced into a toddler's life. The image of the woman and baby breast feeding is less than 1 second in a 30 second advertisement. There is no nudity shown in the advertisement.

2.5 Language

There is no unacceptable language used in the advertisement. The words and phrases are entirely consistent with good and socially acceptable language and are not demeaning or offensive.

2.6 Health and safety

The depiction of an infant breast feeding in the advertisement is an entirely natural activity. There is no depiction of the infant or the breast feeding woman that would be considered putting them in a conflicting or unsafe situation. In terms of public health, the depiction of a breast feeding woman is entirely appropriate as supporting the important role breast feeding has on the nutrition and overall health of a baby.

In conclusion, Danone Nutricia has acted responsibly and ethically with regard to prevailing community standards in the making and showing of the Karicare Plus Toddler Stage 3 television advertisement. We do not consider that we have breached any of the provisions of Section 2 of the AANA Advertiser Code of Ethics.

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 features a woman breastfeeding and that this is unnecessary and inappropriate.

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 the advertisement features young children holding up signs with different benefits of the formula written on them. In one scene we see a woman breastfeeding her infant. The voice over is a child’s voice describing the benefits of the Karicare Toddler Milk drink.

The Board noted that the advertisement shows many babies and toddlers at different stages of development. The Board noted the advertisement shows a fleeting image of a woman lying down breastfeeding her infant. The baby is holding a coloured sign that reads “breastmilk”. The Board noted that at the same time the child voiceover mentions that for babies “breast milk is best.”

The Board noted that the advertisement continues on to show older infants and toddlers and the child voice continues to describe the benefits of the product as the babies get older.

The Board noted that there is a genuine community support of breastfeeding and acknowledges the importance of encouraging women to breastfeed if they are able. The Board considered that the image of the woman feeding is very brief and is a depiction that does not expose the woman’s nipple or any nudity and is a modest and realistic depiction of how women feed their babies.

The Board noted that the advertisement had been given a W rating by CAD and was aired in appropriate timeslots for the rating.

The Board determined that the advertisement did not include imagery that was of a sexual nature and did treat the issue of nudity with sensitivity to the relevant audience and 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.

