



Case Report

1	Case Number	0253/15
2	Advertiser	Fantastic Snacks Australia
3	Product	Food and Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	24/06/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The Delites commercial opens with a young couple sitting on a couch watching TV. The woman gives the man a kiss and seems to taste something nice, she kissed him again and then licks the man's face as she attempts to get more of the great taste. She looks around, realising that the taste comes from the Delites that he was eating. She confirms this by eating the crackers. The TVC then describes a promotion where customers can enter to win a BMW along with Harvey Norman vouchers.

THE COMPLAINT

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

It is sexual because it has a man and woman conducting what can only be considered as foreplay, because she is licking and kissing him around the mouth area. If this was being done to a child it would be considered child pornography; if this was being done between two adults NOT in a sexual relationship it would be just plain weird; because it is by two consenting adults who are clearly in a relationship, it is foreplay. It confuses children and leads to a lot of questions about why they are doing that; it upsets my 85-year old mother because she does not like being inflicted with such explicit content, and it revolts every other

adult and teenager in my family. It is certainly revolting to look at, but it is the sexual nature of it that I object to, and it is shown during children's hours of TV, across a wide range of shows. It is inappropriate for children and should only be shown during adults-only TV.

This commercial has a perverted nature, it's basically soft porn. I find it extremely offensive that I watch a female licking the male's face around his mouth in a sexual manner.

It is filthy and sends the wrong message about acceptable social conduct. It's absolutely disgraceful. How it was approved in this country is unfathomably embarrassing. Get it off the air!

Makes me feel physically ill, and do not want my child or any other seeing it.

I have 3 young children all of who have seen this ad and have had many questions as to why a woman would do this. I am not a prude and have explained things to my older child but I don't feel that an advertisement for biscuits should prompt kids to ask questions like that.

THE ADVERTISER'S RESPONSE

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

Importantly, this is an advertisement that was run 8 years ago, albeit without promotional content at the end. Back then it was the subject of some complaints however those complaints were dismissed. Please refer to a previous complaint reference number 184/08. Complaints were made against Section 2 of the Advertiser Code of Ethics.

Please note the only difference in the content of the current advertisement under question is the inclusion of a BMW promotion on the end frame. No complaints have been received relating to the BMW promotion. All complaints received against the advertisement are again in relation to Section 2 as per the original complaint (184/08).

We believe this ad doesn't contain material that is contrary to prevailing Community Standards of health or safety. Throughout the Ad the woman is focused on the taste of the product and this is the sole purpose for the Woman licking the Man. The kiss which discovered the great tasting crackers was simple affection, and arguably an everyday occurrence that people are witnessed to.

We therefore respectfully reject the assertions being made in the complaints.

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 depicts a woman licking a man's mouth which is degrading, inappropriately sexual as well as unhygienic.

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

The Board 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 Board noted the advertisement depicts a woman kissing then licking a man's mouth.

The Board noted it had previously dismissed complaints about the same advertisement in case 184/08 where:

“The Board considered that the actions of the couple pictured were not sexual in nature and that the advertisement was gender sensitive in that it was the female who licked the male's face.

The Board further considered that the advertisement conveyed a sense of fun and humour and was not an inappropriate display of sex, sexuality or nudity.”

The Board noted the current advertisement is identical except for the competition information at the end of the advertisement.

The Board noted the complainants' concerns that the advertisement is degrading to women. The Board noted that the woman in the advertisement is shown kissing her male partner and then licking his lips when she tastes the flavouring from the Fantastic Delites he is eating. The Board noted that the woman's focus is on the food and that once she has taken the box of Delites from the man she ceases her attention towards him. The Board considered that most members of the community would agree that the woman appears in control of her actions and the situation and that overall she is depicted as empowered.

The Board considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of their gender.

The Board determined that the advertisement did 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 the actions of the woman kissing and then licking the man's mouth. The Board noted that the woman begins licking the man's mouth when she tastes the flavour of the snack he has been eating and considered that the overall theme of the advertisement is around the taste of the product rather than sexual activity.

The Board acknowledged that some members of the community would be uncomfortable

with such displays of affection but considered that consistent with previous determinations against advertisements which show couples kissing (0185/14, 0382/14 and 0523/14) the couple are fully clothed and there is no suggestion of any further intimacy and the style of kissing is not of itself inappropriate.

Overall the Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and did not breach Section 2.4 of the Code.

The Board then 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 Board noted the complainants’ concerns regarding hygiene. The Board noted that it is common for couples in intimate relationships to exchange kisses in the manner depicted in the advertisement and considered that whilst the woman is shown to lick her partner’s mouth, which is less common, this action between two consenting adults is not a breach of Prevailing Community Standards on health and safety.

The Board 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 Board dismissed the complaints.