



Case Report

1	Case Number	0258/12
2	Advertiser	Stuart Alexander & Co Pty Ltd
3	Product	Food and Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	11/07/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.2 - Objectification Exploitative and degrading - women
- 2.1 - Discrimination or Vilification Gender

DESCRIPTION OF THE ADVERTISEMENT

A silver convertible, with three males inside, attracts the attention of three women walking on the street. Until... a blue convertible car pulls up with a young male driving. The man eats a piece of Mentos gum and then transforms his car into three cars stacked on top of each other. The three women join him in the transformed three stack car and drive off with one in a spa, another playing music. The screen then ends with a pack shot of Mentos® 3D gum product and the tag line “Triple Awesomeness”.

THE COMPLAINT

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

I found it extremely sexist. The women were treated as interchangeable trophies that were merely there to validate the man. There was also an overly sexual message that is 'one is good three is better' contained within the product's motto and the manner in which the man managed to 'acquire' three women rather than just one. This advertisement would send an appalling message to children who were watching both about the value of women (as objects that exist to be won and to validate and pleasure random men) and about meaningful sexual relationships.

THE ADVERTISER'S RESPONSE

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

It is the position of Stuart Alexander & Co Pty Ltd that:

1. *The Mentos® brand is world renown as having a fun loving, spontaneous, humorous and unconventional personality. Its advertising campaigns have usually been a little quirky to match that personality.*
2. *The TVC is a light hearted, tongue-in-cheek and humorous campaign – to match the Mentos® brand personality. It is not intended to be taken seriously by the viewer.*
3. *The TVC aired in Australia uses the tag line “Triple Awesomeness”. It does not refer to or use the expression "One's Good, Three's Better". We understand that the tag line "One's Good, Three's Better" is used in a version of the TVC created for, and available in, other countries, including the UK. Accordingly, it seems that:*
 - (a) *the complainant has confused the TVC aired on Australian television with a version of the TVC created for, and available in, other countries – and possibly viewed by the complainant when overseas or perhaps via Youtube or similar; and*
 - (b) *the complainant has assumed the same wording is used in the Australia version – when this is not the case.*
4. *Even if the wording "One's Good, Three's Better" was used in Australia (which it is not), the wording is a reference to the three 'flavour' layers of Mentos® 3D gum product and the three layers of the car, presenting the 3 layered car as the better, more exciting option when compared to the 'single' layered silver car. It is not a reference to the three women. The three layers of the car are different colours just like the three layers of the Mentos® 3D gum product.*
5. *The fact that the women join the male in the three stack car and the imagery of a woman playing a DJ deck, and a woman in a spa at the very rear of the car reflects the fun loving, spontaneous, humorous and unconventional personality of the Mentos® brand.*
6. *The TVC was designed to appeal to the target market of young 16-29 nearly independent adults who live in the moment and like an element of adventure everyday. They enjoy and relish the spontaneous – wishing it will happen.*
7. *The TVC does not intend to offend nor do we believe we are encouraging the discrimination or objectification of women.*
8. *The TVC was aired last year during the following periods without complaint:*
 - (a) *on free-to-air television during the period May to July 2011; and*
 - (b) *on digital TV Channels, Foxtel and on-line during the same period.*
9. *The TVC was reviewed and approved by Commercials Advice Pty Ltd (CAD) on 2 April 2012 as follows:*
 - (a) *15 second TVC - Key Number: SAM3D051215, CAD Approval Number: WVQ86FSF, Rated: W; and*
 - (b) *30 second TVC - Key Number: SAM3D051230, CAD Approval Number: WVQ87FSF, Rated: W.*
10. *The TVC has been shown in time slots which Stuart Alexander and the relevant television stations consider appropriate given the content of the TVC, its rating and the audience likely to be watching at those times.*

For these reasons it is our firm opinion that the TVC does not contain matter prohibited by, or in breach of, the AANA Advertiser Code of Ethics. In our view, the manner in which the women are portrayed in the TVC is justified in the context of the product advertised. We respectfully submit that the complaint should 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 is sexist, that women are treated as interchangeable trophies and the advertisement contains an overtly sexist message.

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

The Board first considered whether the advertisement was in breach of section 2.1 of the Code.

Section 2.1 of the Code states that Advertising or Marketing Communications shall not portray people 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 that the advertisement depicts a silver convertible, with three males inside that attracts the attention of three women walking on the street. A blue convertible then pulls up with a young male driving. The man eats a piece of Mentos gum and then transforms his car into three cars stacked on top of each other. The three women join him in the transformed three stack car and drive off with one in a spa, another playing music. The tag line appears “Triple Awesomeness”.

The Board noted complaints that the advertisement portrays women as being interchangeable trophies available to validate men. The Board considered whether the advertisement discriminated against women. The Board considered that the advertisement depicts the three women as confident and in control of their decisions and the advertisement is not suggestive that the women themselves are trophies available to men. The Board considered that the advertisement does not discriminate against women and does not breach Section 2.1 of the Code.

The Board then considered whether the advertisement complied with Section 2.2 of the Code which states, “Advertising or Marketing Communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.”

The Board noted that the women are depicted as showing interest in men in a modified motor vehicle and then appear to show greater interest in a man driving what turns out to be a

fantasy 'three stack vehicle'. The Board considered that the portrayal of the women is not objectifying of the women as the women are presented as confident and in control of their own decision making.

The Board noted that the women are fully covered by their clothing and considered that the images do not contain inappropriate nudity. In the Board's view the advertisement did not use the women's sexual appeal in a manner which is exploitative and degrading of women.

The Board determined that the advertisement did not employ sexual appeal in a manner which is exploitative and degrading and did not breach Section 2.2 of the Code.

Given that this advertisement is for a food product, the Board noted the provisions of the AANA Food and Beverage Advertising and Marketing Communications Code (the Food Code). The Board considered that the advertisement did not breach the Food Code.

Finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaints.