



Case Report

1	Case Number	0258/16
2	Advertiser	Mars Confectionery
3	Product	Food and Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	08/06/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Violence Violence

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on a woman asking her partner to get her a snack. The man opens a kitchen cupboard and various items fly out and hit his head. We then see that it is animated M&Ms throwing the objects. The man tells them to get in to the bowl and we hear one of the M&Ms reply, "You get in the bowl!"

THE COMPLAINT

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

The ad does not meet the Code of Ethics 2.3 of the Australian Association of National Advertisers which states 'Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.' Showing a man being repeatedly in the head to sell chocolates is unjustifiable violence and the ad does not meet the Code. As well, the ad would be highly unlikely to appeal to men, and the ad is more than likely targeted at women who would like to see a man being hit in the head by thrown objects.

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 and respond as follows:

A description of the Advertisement

The television advertisement relates to M&M's® , a brand of chocolate from Mars Chocolate Australia. The general premise behind the broader brand campaign is that M&M's® are irresistible fun and we see the M&M's® characters in light-hearted, playful scenarios where they are going to be eaten by people.

RESPONSE TO COMPLAINT

We address our response to all parts of Section 2 of the AANA Code of Ethics as follows:

Section 2.1: Discrimination or Vilification

The advertisement was created to depict the M&M's® characters acting in a playful, innocent manner as they try to avoid being put into the bowl to be consumed. The advertisement does not portray people or depict material in any way that 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 intention of this particular advertisement was to showcase a playful moment between partners, with the male trying to get a snack for his partner on the couch. The man goes over to the cupboard where the M&M's® are kept and the M&M's® then desperately try to avoid having to get into the bowl by throwing various items from the cupboard at the man, including a slice of bread.

We do not believe that it is appropriate to draw the inference that, because the M&M's® characters are throwing items to avoid being eaten, the woman intended for the man to be injured or hurt.

We also note that the AANA Practice Note provides that humour can be used without creating a negative stereotype.

Section 2.2 – Exploitative & Degrading

As indicated above, the advertisement does not depict or imply any degrading actions, and is not exploitative of any individual or group of people.

Section 2.3 - Violence

The advertisement does not present or portray violence of any kind.

The advertisement simply depicts the M&M's® characters in a fictional environment, throwing items in a light-hearted way at the man -- items such as apples, bananas and magazines. The Red M&M's® character then holds up a slice of bread as if going to throw it at the male. The male in the scene does not get injured.

Section 2.4 – Sex, Sexuality & Nudity

As the classification for the advertisement demonstrates, it is appropriate for the audience and treats sex, sexuality and nudity with sensitivity to the relevant audience. We submit that our advertising agency and our media buyers and planners have taken care to ensure that the scheduling of our commercials complies with the provisions of the Code.

Section 2.5 - Language

No inappropriate or obscene language is used in the advertisement.

Section 2.6 – Health & Safety

No element of the advertisement is contrary to Prevailing Community Standards on health and safety.

We hope this response has addressed the concerns raised in your letter to us and ask 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 depicts M&Ms flying out of a cupboard at a man’s head which is violence and not appropriate.

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

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Board noted that this television advertisement features a woman asking her partner to get her a snack and when the man opens a cupboard we see objects flying out and hitting his head before it is revealed that animated M&Ms are responsible because they don’t want to be eaten.

The Board noted that M&Ms are chocolate snacks and considered that most reasonable members of the community would recognise that the whole premise of the advertisement is clearly fantastical. The Board noted that objects fly out of the cupboard and strike the man’s head but considered that his reaction is of annoyance, not of being hurt, and in the Board’s view the overall message is that M&Ms don’t want to be eaten, and not that it is acceptable to throw objects at a person.

The Board considered that the advertisement did not present or portray violence and determined that the advertisement did not breach Section 2.3 of the Code.

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