



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0263/12</b>
<b>2</b>	<b>Advertiser</b>	<b>Kraft Foods Ltd</b>
<b>3</b>	<b>Product</b>	<b>Food and Beverages</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>11/07/2012</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

We see close-up photography and hear sound effects to make the viewer believe they are seeing and hearing a love scene. There is a close up on two pale shapes that look a lot like two bodies in a romantic scene. We then see what we think is a bed-spring bouncing up and down accompanied by the sound of the springs squeaking. It then cuts to a close-up of a woman's lips speaking a man's name. It all turns out to be a production line for the confectionery.

### THE COMPLAINT

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

*The innuendo associated with this ad is all directed that there is people engaging in sexual foreplay and/or intercourse. With particular shots of the marshmallows that you can't identify that it is a marshmallow and it could be a body part the noise of springs creaking - as a bed going up and down when it is the machine and a woman calling out a man's name as in a passionate moment though she is trying to get the attention of a male worker. If this ad must be on it needs to be on in an adult time slot and not as I have seen it in the afternoon and early evening. Just seeing it again now as an ad on the football has prompted me to complain as I first saw this ad over the long weekend and assumed it would be removed after the complaints were collected after the holiday obviously that hasn't happened.*

*The ad is like a porn film like people are having sex.*

*The marshmallows look like a person's bottom springs look like a bed and the female worker behaving like she is orgasming.*

*Very distasteful advertising. You don't even know what the ads about until the end. Yes its attention grabbing but just over the top.*

*Please remove the ad.*

*The advertisement starts off with a graphic scene of what appears to be a ladies bottom having chocolate poured on it while there is the sound of moaning. It is on television at a time when small children are home and is really offensive and vile.*

## **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 of 15 June 2012. Thank you for providing us with the opportunity to respond to the complaints.*

*As one of Australia's largest food manufacturers and advertisers, Kraft Foods has a significant role that we take very seriously in marketing and advertising our products responsibly and appropriately.*

*We follow the AANA Code of Ethics incorporating the Code for Advertising & Marketing Communications to Children and Food & Beverages Advertising & Marketing Communications Code (AANA Code), and the marketing to children principles outlined in the Australian Food and Grocery Council's Responsible Children's Marketing Initiative of which Kraft Foods is a founding signatory to.*

*The complainants have raised two issues that fall within the AANA Code including that:*

- 1. The Pascall Chocs ad should be aired in an adult time slot.*
- 2. The creative is of a sexual nature and distasteful.*

*On review of the complaints received and examination of information surrounding the development and placement of the Pascall Chocs TVC, we believe that the TVC is consistent with the principles outlined in the AANA's Code.*

*Our response to each of the complaints raised is outlined below.*

*1. Issue raised: The Pascall Chocs ad should be aired in an adult time slot.*

*Response: Conscious of the need to ensure that the ad was aired during programs with an appropriate audience, the TVC was submitted to CAD for formal approval and rating. CAD advised that the TVC was rated 'PG' and as such, the ad placement reflects this rating; the TVC has only been placed in programs rated at least 'PG'. Additionally, the media schedule that Kraft Foods bought to air the Pascall Chocs TVC is primarily targeted to grocery buyers aged between 35-54 years.*

*2. Issue raised: The creative is of a sexual nature and distasteful.*

*Response: In the Pascall Chocs TVC, the product is positioned as adult marshmallows. The language, sounds and visuals are appropriate for the relevant audience and medium. Although viewers may believe they are seeing and hearing a love scene, viewers are left with*

*a very clear understanding that the images are marshmallows, the sounds are from a manufacturing line, and that the female factory worker is calling out to her male co-worker. The ad is not exploitative or degrading, and the language, sounds and visuals are used with sensitivity to the target audience. The TVC is designed to appeal to consumers and in no way intended to offend the wider community.*

*AANA Codes. We believe that the Pascall Chocs TVC complies with AANA Codes and that the TVC does not contravene any prevailing community standards.*

## **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 offensive, distasteful and contains imagery that is not appropriate for viewing by children.

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 that this advertisement depicts a factory scenario that makes the audience believe that they are seeing and hearing a love scene. There is a close up on two pale shapes that look a lot like two bodies in a romantic scene. There are springs bouncing up and down accompanied by the sound of the springs squeaking. A woman is speaking a man’s name quite passionately but then it is shown to be a production line for the confectionery.

The Board noted that the use of sexual suggestion in the advertisement is intended to be humorous. The Board considered that the sexual suggestive nature of the advertisement was merely supposed and there was no actual nudity or sexual activity. The Board considered that the sexual references were appropriately sensitive for the audience.

The Board noted that the advertisement had been rated PG by CAD and the advertisement was aired within the appropriate timeslots. The Board considered that the content of the advertisement was not inappropriate for viewing by a broad audience that would likely include children.

The Board considered that most members of the community would find the content mildly sexually suggestive and did not think that the advertisement was overtly sexualised. The Board determined that the advertisement did not contain strong sexual references and treated sex, sexuality and nudity with sensitivity to the relevant audience and did not breach Section 2.4 of the Code.

The Board determined that the advertisement did not breach Section 2.4 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 other grounds, the Board dismissed the complaint.