



Case Report

1	Case Number	0275/10
2	Advertiser	Smith's Snackfood Co Ltd The
3	Product	Food and Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	14/07/2010
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

Two women are sat at a desk and are joined by two men, who sit opposite them and place their feet on the table. They are not wearing any shoes or socks and they have Doritos wedged between their toes.

The first man says "Dori-TOES" and offers his foot up to the second man, who takes a Dorito from between the first man's toes and eats it. The second man then offers his own foot to one of the women, who shrinks back in disgust.

The words "Got a better idea?" appear on screen, followed by "See your ad on TV & win up to \$50,000. www.doritos.com.au"

THE COMPLAINT

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

It is disgusting and certainly not something which children should try out. The main consumers of these are children and surely this is unhealthy, unhygienic and not a practice to be followed.

Smiths have great products on the market and surely can do better than this.

THE ADVERTISER'S RESPONSE

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

In developing this commercial it was the Company's intention to entertain viewers not offend them. The advertisement is a "tongue in cheek depiction" of the process of creating and selling an advertising idea, as a means of encouraging Doritos consumers to enter their suggestion for the next Doritos advertisement. This is reinforced in the end line of the advertisement "Got a Better Idea?" It is not intended in any way to be a depiction of how Doritos should be consumed.

The same advertisement was used to support the 2009 Doritos "You Make It We Play It" Promotion and was broadcast from February 22nd to March 21st 2009. This year the advertisement is planned to run from May 30th to June 26th. As at time of writing we have not received any consumer complaints regarding this advertisement from the several thousand consumers who have viewed it.

This Doritos campaign, including the television advertising and promotion itself, is not directed at children. This advertisement has not and will not appear in programs that are promoted for viewing by children or likely to attract substantial numbers of children. Further, as indicated in the promotion Terms and Conditions which are available on our web site www.doritos.com.au, only Australian residents who are 14 years of age or older are eligible to enter the promotion, and any person under 18 years must obtain parent/guardian permission, before entering the promotion.

We have a responsibility to ensure our advertising and promotion meets appropriate community standards and we believe that we have met those standards with this commercial. We are familiar with the AANA Advertiser Code of Ethics and use the code in developing our advertising. In this instance we do not believe that the Doritos commercial in question is in breach of the code.

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 disgusting and depicts a practice that is inappropriate for children to view and possibly imitate.

The Board reviewed the advertisement and noted the advertiser's response in particular that the advertisement is not directed to children and, although rated G by CAD is not broadcast in programs that attract high number of child viewers.

The Board noted that the advertisement contained images of a food product held between a man's toes and that one man eats one of the products from the man's toes. The Board considered that the intention of the advertisement is to depict an 'unacceptable' image to encourage viewers to make more appropriate advertisements of their own. The Board agreed that the depiction of holding food for consumption between a person's toes would be

considered unhygienic. However, although acknowledging that some members of the community may find this advertisement offensive, the Board's view was that the advertisement is exaggerated and purposely depicting an action clearly shown to be inappropriate and was not likely to be considered offensive by most members of the community. Not being targeted to children, and being shown as an undesirable action, the Board considered it unlikely to be copied by children. The Board considered that the depiction of holding food between a person's toes was in the context of it being an undesirable action and therefore was not a depiction of material that would contravene 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 complaint.