



Case Report

1	Case Number	0294/10
2	Advertiser	Kellogg (Aust) Pty Ltd
3	Product	Food and Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	14/07/2010
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Other
- 2.1 - Discrimination or Vilification Other

DESCRIPTION OF THE ADVERTISEMENT

As a milkman is leaving a pint of milk on the doorstep of a house, the door opens and the milkman finds himself looking at the feet of the householder. They are wearing fluffy open toe mule slippers, and as the camera pans up the body (showing varicose veins and hairy forearms) we see that the householder is wearing a silky nightie and gown and is very heavily made up. They are playing with the collar of the gown and appears to have moustache stubble.

The householder says, in a deep voice, "Good morning, Johnny. Wanna join me for breakfast? Grrrrrr." and in response, Johnny appears taken aback.

A male voiceover then describes Crunchy Nut cereal as irresistible, and Johnny sees a box of the cereal sitting on the breakfast table.

Johnny then says, "Yes. I'd love to. Ma'am." and enters the house.

The final male voice over states, "Well, they are irresistible!".

THE COMPLAINT

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

The above ad is offensive on a range of levels. It implies that the cross-dressing/transsexual/transgender person in the house is a nut case. The inference is that they

are a nutcase because they eat crunchy nut cornflakes AND because they are a transexual or transgendered person. The association of mental illness and this condition being something to be laughed at which is made so clearly with the cross-dressing or transgendered person in the house is deeply offensive. Furthermore the reaction of the delivery person character to the transexual/transgender person in the house is also equally offensive suggesting as it does that there is something wrong disgusting or to be fearful of when presented with the presence of a transexual or transgendered person. People who are transsexual transgender practising cross-dressers and/or gender dysphoric come under enormous pressure everyday living with fear discrimination abuse and depression on a daily basis. They are one of the most discriminated against and marginalised groups in society today. Given the constant struggles and harassment that these people regularly face on a daily basis it is simply not a matter for tasteless vilification disguised as ""edgy"" humour. I am not transgender transexual or a cross-dresser myself. But I have close friends and associates who are members of this perpetually persecuted group so I have a first hand appreciation and understanding of how much hurt and pain is inflicted by vilifying portrayals of their condition/existence such as in this ad. One of my closest friends who also happened to be a transgendered person took her own life earlier this year because she was no longer able to cope with the constant harassment discrimination abuse and vilification that she had to live with everyday. Although she was also one of the smartest most capable exceptionally qualified and well-educated people it has ever been my privilege to meet nevertheless she struggled with a sense of shame and worthlessness that eventually drove her to suicide. A sense of shame and perception of herself as a ""Freak"" which arose from how she perceived the rest of society looked down upon and vilified transgendered people. I know that an advertisement like this one for Kelloggs' Crunchy Nut would have upset and hurt her deeply once again proving her subhuman status as nothing more than a ""joke"" in the eyes of the world because of a medical condition she struggled with and over which she had no control or choice. I can only imagine how many other transgendered people must experience the exact same pain and discomfort whenever this ad is broadcast. This ad is discriminatory hurtful and disgustingly offensive to any right fair minded viewer and should be withdrawn from broadcast immediately.

The above ad is offensive on a range of levels. It implies that the cross-dressing/transsexual/transgender person in the house is a nut case. The inference is that they are a nutcase because they eat crunchy nut cornflakes AND because they are a transexual or transgendered person. The association of mental illness and this condition being something to be laughed at which is made so clearly with the cross-dressing or transgendered person in the house is deeply offensive. Furthermore the reaction of the delivery person character to the transexual/transgender person in the house is also equally offensive suggesting as it does that there is something wrong disgusting or to be fearful of when presented with the presence of a transexual or transgendered person. People who are transsexual transgender practising cross-dressers and/or gender dysphoric come under enormous pressure everyday living with fear discrimination abuse and depression on a daily basis. They are one of the most discriminated against and marginalised groups in society today. Given the constant struggles and harassment that these people regularly face on a daily basis it is simply not a matter for tasteless vilification disguised as ""edgy"" humour. I am not transgender transexual or a cross-dresser myself. But I have close friends and associates who are members of this perpetually persecuted group so I have a first hand appreciation and understanding of how much hurt and pain is inflicted by vilifying portrayals of their condition/existence such as in this ad. One of my closest friends who also happened to be a transgendered person took her own life earlier this year because she was no longer able to cope with the constant harassment discrimination abuse and vilification that she had to live

with everyday. Although she was also one of the smartest most capable exceptionally qualified and well-educated people it has ever been my privilege to meet nevertheless she struggled with a sense of shame and worthlessness that eventually drove her to suicide. A sense of shame and perception of herself as a "'Freak"' which arose from how she perceived the rest of society looked down upon and vilified transgendered people. I know that an advertisement like this one for Kelloggs' Crunchy Nut would have upset and hurt her deeply once again proving her subhuman status as nothing more than a "'joke"' in the eyes of the world because of a medical condition she struggled with and over which she had no control or choice. I can only imagine how many other transgendered people must experience the exact same pain and discomfort whenever this ad is broadcast. This ad is discriminatory hurtful and disgustingly offensive to any right fair minded viewer and should be withdrawn from broadcast immediately.

I find the ad offensive to the transgendered community and feel some sort of action should be taken. In fact I wouldn't be surprised if a case couldn't be launched against the advertising agency and company under vilification and discrimination laws.

As a transgendered person I take offence at this advertisement. I believe that transgendered people should not be the object of derision. In fact no group of people should ever be derided in such a manner.

The theme of the Crunchy Nut advertisements is that a person will do anything to have Crunchy Nut. In this case the suggestion is that a man will even accept the advances of an ugly transsexual in order to get his Crunchy Nut. The inference here is that an ugly transsexual is about as bad as you can get.

Whilst I accept that not all transsexuals are necessarily attractive using a particularly ugly transsexual to symbolise something bad is to me a case of negative stereotyping.

I'm sure the ad would never have been allowed to air if the negatively stereotyped character had been say a gay male or a Muslim or Aboriginal or any number of other often-stereotyped groups.

Why is it OK to parody and vilify a transsexual in such a blatantly negative manner? this is a case of negative stereotyping of a person representing a group of people. That would not be acceptable if the group being vilified was say gay or Muslim or Asian it is not OK to deride a transgendered person.

It portrays transgendered men as sexually aggressive and the presentation of the crossdressing is shabby and poorly done resulting in a parody of this type of gender expression . It reinforces the public's view of crossdressers as freakish and sexually predatory and brings them into a position of more social isolation and ridicule.

The portrayal of the dressed up person is ugly. It offends me that this type of sexuality is used to sell cereal. It is just ugly.

The ad implies that the product can make even ugly women bearable. It's really mean to transsexual people and unconventional looking women.

This add has had some discussion amount a number of transgendered communities and the general consensus is:

The add is offensive to transgendered people.

The add depicts transgendered people in an offensive and stereotypical manner.

If the Kelloggs had chosen to promote their product by an add which depicted people of a particular race as being ugly or nuts it would be illegal and not acceptable.

If the Kelloggs had chosen to promote their product by an add which depicted gay people as being ugly or nuts it would be illegal and not acceptable.

We find that the depiction of Trans people as being ugly or nuts is offensive and we are investigating if it is illegal.

It is hard enough being a cross dresser / transgendered / Intersex without this sort of thing.

In your advertising standards there is a section dealing with an advertising code for advertising and marketing communications to children. One of the factors in this code is ""social values"". The social value this advertisement gives to children about transgenderism is negative and discriminatory and liable to promote hate prejudice and vilification towards transgender people.

Additionally children are more impressionable than adults and less likely to be able see through ""adult"" humour. Children should be given strong positive portrayals of transgender people so that they grow up and change the world by making transgenderism more acceptable.

THE ADVERTISER'S RESPONSE

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

The aim of the Advertisement is to present in a humorous way that the taste of Crunchy Nut Corn Flakes breakfast cereal is so irresistible that a milkman delays delivering milk so as to spend time with one of his customers enjoying a bowl of Crunchy Nut Corn Flakes despite first being taken aback by that customer's appearance.

Kellogg does not believe that the Advertisement is in breach of the Advertiser Code of Ethics or in breach of the AANA Food & Beverages Advertising & Marketing Communications Code.

Kellogg does not believe that the Advertisement comes within the AANA Code for Advertising to Children and even if the Advertisement does come within the scope of that Code, the Advertisement is not in breach of that Code.

Section 2 of Advertiser Code of Ethics

Kellogg does not believe that Kellogg has, in broadcasting the Advertisement, breached sections 1 or 2 of the Advertiser Code of Ethics.

Kellogg does not believe that its Advertisement is in breach of sections 1.2 , 2.1 or 2.3.

The Advertisement is a humorous depiction that because Kellogg's Crunchy Nut Corn Flakes breakfast cereal is so irresistibly tasty that despite the milkman's surprise reaction when the door is first opened by a female customer whose appearance includes a number of exaggerated features such as roughly shaven legs showing nicks & scratches, hairy upper lip, large facial moles, lipstick on the teeth and thick black eye brows, the milkman decides to accept the offer to join that customer for breakfast because the taste of Crunchy Nut Corn Flakes is irresistible and thereby delaying delivery of milk to other customers. In accepting the invite for breakfast the milkman does so by showing the utmost respect to that customer by his mannerism and verbal response of ""Yes I'd Love to. Maam"". In other words the milkman accepts the customer for who she is.

The customer depicted in the Advertisement is intended to be a female with heavy make-up and some less than flattering features (and is indeed a female actress), although the Complainants have described that person as being a transsexual or transgender or cross-dresser. It was not Kellogg's intention for the Advertisement to cause humiliation or distress to any section of the community through its depiction of the customer's appearance. Kellogg believes there is nothing contained in the Advertisement that could be construed as discriminating or vilifying transsexual persons or transgender persons or cross-dressers or

women or any other person or section of the community. Kellogg also believes that there is nothing contained in the Advertisement that implies a person suffering a medical condition is to be a source of derision.

Kellogg also does not believe that the appearance of the customer is using sexuality to promote its cereal. However even if the overall impression of the Advertisement is to have been using sexuality to promote cereal, (because of the clothing worn by the milkman's customer, the music and the delivery of the invitation to the milkman to join the customer for breakfast), Kellogg believes that Kellogg has treated the sexuality with sensitivity to the relevant audience (adults) and the relevant programming time zone (being PG).

The theme, visuals and language used in the Advertisement is not directed at Children, in particular Kellogg notes that the Advertisement and product is directed at adults.

Kellogg takes compliance with the Codes very seriously. Kellogg looks forward to receiving the Board's determination with regard to the Complaint.

Kellogg regrets that the Advertisement caused the Complainants offence, Kellogg believes the Advertisement is a humorous means of delivering the message that the taste of Kellogg's Crunchy Nut Corn Flakes breakfast cereal is irresistible.

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 vilified and was demeaning to cross dressing/transsexual/transgender (transgender) people; implied that transgender people are mentally ill and unattractive.

The Board viewed the advertisement and noted the advertiser’s response. The Board considered that the intent and take away message of the advertisement is that the milkman is such a lover of crunchy nut cornflakes that he will have breakfast with a not very attractive person.

The Board noted the complainant’s concerns that the advertisement vilifies transgender people. The Board accepted that the depiction of the woman could be interpreted as being a transgender person. However the Board considered that the more likely take out from the advertisement is that the person inviting the milkman in is, regardless of sex or gender, not physically attractive. The Board considered that the overall impression of the advertisement was not targeting or depicting any identifiable section of the community and considered that the advertisement did not discriminate against or vilify any person or section of the community on account of sex.

The Board considered that the reference to ‘crunchy nut’ is a reference to a person (in this advertisement the milkman) being such a lover of the advertised product that he will do anything to enjoy it. The Board considered that there was no reference to mental instability or illness of any person in the advertisement and that the advertisement did not discriminate against or vilify people or a section of society on account of disability.

The Board determined that the advertisement did not breach section 2.1 of the Code.

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