



## Case Report

1	Case Number	0294/17
2	Advertiser	Craveable Brands
3	Product	Food / Beverages
4	Type of Advertisement / media	Email
5	Date of Determination	12/07/2017
6	DETERMINATION	Dismissed

### ISSUES RAISED

2.5 - Language Inappropriate language

### DESCRIPTION OF THE ADVERTISEMENT

The advertisement is a direct marketing email advertising Red Rooster's new Mash & Gravy Balls product. The Advertisement features the Red Rooster brand, the brand of Red Rooster's member rewards program Red Royalty, the words "Grab hunger by the balls ... Mash & Gravy Balls", a series of prices applicable to the product, an image of Red Rooster's new Mash & Gravy Balls product, and a link to Red Rooster's website.

### THE COMPLAINT

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

*This is inappropriate for what is supposed to be a family food outlet and an offensive association with food in particular.*

### THE ADVERTISER'S RESPONSE

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

*Thank you for the opportunity to respond to this complaint. Red Rooster takes its advertising responsibilities very seriously, and is mindful of its obligations under the Codes administered*

by the Board.

## *1. The advertisement*

*1.1 Red Rooster understands that the Complaint concerns a direct marketing email advertising Red Rooster's new Mash & Gravy Balls product (Advertisement). A pdf copy of the Advertisement is provided.*

*1.2 The Advertisement features the Red Rooster brand, the brand of Red Rooster's member rewards program Red Royalty, the words "Grab hunger by the balls ... Mash & Gravy Balls", a series of prices applicable to the product, an image of Red Rooster's new Mash & Gravy Balls product, and a link to Red Rooster's website.*

*1.3 This Advertisement was developed and distributed by Red Rooster.*

*1.4 The target audience for the Advertisement is adults aged 18 years and over. The Advertisement forms part of a campaign using tongue-in-cheek humour designed to resonate with the target audience.*

*1.5 The Advertisement was sent by email to approximately 160,000 active members of the Red Royalty member rewards program that have opted in to receive promotional emails from Red Rooster, that have made a transaction with Red Rooster in the last 365 days, and that purchased a snacking item (including the Dippas Box, Mash & Gravy, Nuggets, Wings, Potato Bites, Pineapple Fritters, or Crispy Strips) as part of one of those transactions.*

*1.6 It is a condition of enrolment in the Red Royalty programme that a person is 18 years of age or older, or is over the age of 13 years and has parental or guardian consent.*

## *2. The Complaint*

*2.1 Red Rooster understands that a Complaint was received on 14 June 2017 to the effect that the words in the Advertisement "are inappropriate for what is supposed to be a family food outlet and an offensive association with food".*

*2.2 You have identified that section 2.5 of the AANA Advertiser Code of Ethics (Code of Ethics) in particular is relevant to the Complaint.*

## *3. AANA Advertiser Code of Ethics*

### *Section 2.5*

*3.1 Paragraph 2.5 of the Code of Ethics provides: Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided.*

*3.2 The Advertisement includes the written words "Grab hunger by the balls". Those words are a reference to the Mash & Gravy Balls featured in the Advertisement by name and in the image, and highlight that the product is intended to be a portable food item eaten by hand as a casual take-away snack.*

*3.3 The words in the Advertisement are obviously a play on words referring to the nature of the product and the way it is intended to be eaten, and are used in an irreverent, light-hearted and humorous way. The word “balls” is innocuous and in widespread and common use in the Australian vernacular, as is the phrase “grab by the balls”, and does not offend Prevailing Community Standards. The Board found similarly in case number 0231/12, in which: The Board considered that the use of the term ‘balls’ is an accepted reference to men’s genitals in Australia and would not be considered strong or obscene. Although the frequency of the reference increased the effect of the word, making it more sexually suggestive, the Board considered that the advertisement did not use strong or obscene language and determined that the advertisement did not breach Section 2.5 of the Code.*

*3.4 The Advertisement is appropriate for the relevant audience and medium, noting that the Advertisement was directed at a closed group of persons over the age of 13 years, and had a limited distribution by direct email. Further, the Advertisement is unlikely to be understood by young children, and is not inappropriate for a broader audience.*

*3.5 For these reasons, Red Rooster submits that neither the use of that word, nor the sentence in which it appears, are inappropriate in the circumstances, and that the Advertisement does not breach section 2.5 of the Code of Ethics.*

*The balance of Section 2*

*3.6 Red Rooster is asked to comment on the application of the balance of section 2 of the AANA Advertiser Code of Ethics to the Advertisement, as to which Red Rooster submits that:*

*(a) Section 2.1: The Advertisement does not portray people or depict material in a 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.*

*(b) Section 2.2: The Advertisement does not employ sexual appeal where images of minors, or people who appear to be minors are used (the Advertisement features no such images), nor in a matter that is exploitative and degrading of any individual or group of people.*

*(c) Section 2.3: The Advertisement does not present or portray violence.*

*(d) Section 2.4: The Advertisement does not contain any nudity, nor does it contain any sexual content, themes, or innuendo. As to the use of the word “balls”, please see our response above in relation to section 2.5.*

*(e) Section 2.6: The Advertisement does not depict material contrary to prevailing community standards on health and safety.*

*(f) Section 2.7: The Advertisement is clearly distinguishable as an advertisement to the relevant audience on account its medium, location, and subject-matter.*

*4. AANA Code for Advertising and marketing Communications to Children*

*4.1 The Advertisement is not primary directed to children.*

*4.2 On that basis, Red Rooster submits that the provisions of the AANA Code for Advertising and marketing Communications to Children do not apply to the Advertisement.*

#### *5. AANA Food and Beverages Marketing and Communications Code*

*5.1 Red Rooster is asked to comment on the application of the AANA Food and Beverages Marketing and Communications Code, as to which Red Rooster submits that:*

*(a) Section 2.1: The Advertisement is truthful and honest, is not misleading nor deceptive, does not otherwise contravene Prevailing Community Standards (as to which, please also see paragraph 3.3 above), and is communicated in a manner appropriate to the level of understanding of the target audience. The Advertisement makes no nutritional or health claims.*

*(b) Section 2.2: The Advertisement does not undermine the importance of healthy or active lifestyles or balanced diets, nor does it encourage excess consumption.*

*(c) Sections 2.3 and 2.4: The Advertisement makes no nutritional or health claims.*

*(d) Section 2.5: The Advertisement makes no consumer taste or preference claims.*

*(e) Section 2.6: The Advertisement makes no claims relating to the material characteristics of the product advertised.*

*(f) Section 2.7: This section does not apply. The Advertisement is in the form of a direct email.*

*(g) Section 2.8: The Advertisement does not portray the Mash & Gravy Balls advertised as being a meal substitute.*

*(h) Sections 2.9 and 3: Please refer to the submissions made in the preceding sections.*

#### *6. Conclusion*

*6.1 For the reasons above, Red Rooster submits that the complaint should be dismissed and no further action taken.*

### **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 features offensive material which is not appropriate for a family food outlet.

The Board reviewed 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 this email advertisement features an image of Red Rooster’s Mash and Gravy Balls along with the text, “Grab hunger by the balls”.

The Board noted that the phrase, “grab by the balls” is part of the common Australian vernacular meaning “to impress someone favourably” (Macquarie Dictionary) and considered that in the context of a depiction of a food product, clearly labelled as ‘Mash and Gravy Balls’ this phrase is intended to mean that your hunger will be impressed if you eat the advertised product.

The Board acknowledged that ‘balls’ is common vernacular reference to a man’s testicles but considered that the advertisement makes no reference to a man’s body parts, or to sexual activity, and in the context of a depiction of a food product shaped like balls, this use of the word ‘balls’ is not sexualised or inappropriate.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and determined that the advertisement did not breach Section 2.4 of the Code.

The Board considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: “Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided”.

The Board acknowledged that some members of the community may find the advertisement to be in poor taste but considered that, while it is possible to read a double entendre reference in the phrase, “Grab hunger by the balls”, in the Board’s view the word is clearly contextualised by the spherical food on display and the description of the advertised product as ‘Mash and Gravy Balls’.

Consistent with a previous determination in case 0560/16 over the use of the term ‘balls’, the Board considered in this instance that the advertisement did not use strong or obscene language and the phrase, “Grab hunger by the balls” in the context of promoting potato mash and gravy balls is not inappropriate in the circumstances.

The Board considered that the advertisement did not use strong, obscene or inappropriate language and determined that the advertisement did not breach Section 2.5 of the Code.

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

