



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0296-20
2. Advertiser :	ALDI Australia
3. Product :	Food/Bev Groceries
4. Type of Advertisement/Media :	TV - On Demand
5. Date of Determination	7-Oct-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.3 Violence

DESCRIPTION OF ADVERTISEMENT

This TV On Demand advertisement begins with a father and son standing on the edge of a cliff looking across a valley. The father nudges his son and they look up to the sky. The father points to what at first appears to be a large flock of birds flying towards them. It very quickly becomes apparent that the flock is not birds, but bunches of "flying bananas".

Father: Beautiful, aren't they? They're migrating. To ALDI! They get their fresh stuff from the same as place other supermarkets.

Son: Barbados?

Father: No Son. Australia.

The son tosses what appears to be a stone into the air and one of the bunches of bananas drops.

Voice-over: Aussie fruit, veg, and meat at ALDI prices. That's good different.

THE COMPLAINT

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



This shows violence against animals and birds as being acceptable behaviour. I am shocked the company should allow this to go to air

The child picks up a rock and pelts it at the 'birds', hitting one, and it falls out of the sky. This action replicates and depicts a violent act of abuse on an animal. They are bananas, but the whole message of the ad is to make the viewer think they are birds. This ad normalises and seeks to make this act of violence something funny. The father does nothing about this violent attack, thereby condoning it.

THE ADVERTISER'S RESPONSE

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

The complaint

The complaints that we are responding to state that the advertisement depicts violence and cruelty to animals. Comments made by complaints include:

The child picks up a rock and pelts it at the 'birds', hitting one, and it falls out of the sky. This action replicates and depicts a violent act of abuse on an animal. They are bananas, but the whole message of the ad is to make the viewer think they are birds. This ad normalises and seeks to make this act of violence something funny. The father does nothing about this violent attack, thereby condoning it

...the ad finishes with the son throwing something (a rock? his mobile?) at the 'banana birds' hitting one & causing it to fall from the sky into oblivion. Throwing something at a 'creature' with intent to hurt is shocking behaviour to promote. Animals too deserve respect, not cruelty. It would have been better for a 'bird' to have come to them of its own freewill.

It shows a father and son sitting on cliff top as a flight of banana bunches acting as birds appears overhead. The son throws something as they pass and one drops from the sky. This is appalling behaviour and should not be portrayed on TV as acceptable behaviour and that it is okay to throw things to hit and obviously injure birds.

The relevant provision

The relevant provision is section 2.3 of the AANA Code of Ethics (the Code) which provides as follows:

2.3 Advertising or Marketing Communication shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

The Code of Ethics Practice Note contains the following guidance:



Violence against animals is caught by this section. ...

ALDI response to the complaint

For the reasons set out below, ALDI submits that the advertisement does not breach section 2.3 of the Code.

First, the advertisement is entirely based on surrealistic, abstract concepts and images. Within the first three seconds of the 30 second TVC it is apparent that what at first appeared to be birds is in fact bunches of bananas. It is not the case - as one complainant suggests - that the "message of the ad is to make the viewer think they are birds". The very clear message of the advertisement is that the things "flying" towards the father and son are bananas.

Secondly, the prohibition in s 2.3 of the Code is with respect to portrayals of violence; ie behaviour involving physical force intended to hurt, damage, or kill someone or something. No reasonable viewer would understand the advertisement as portraying an intentional act of harm to anything, let alone a bird.

On the contrary, it is clear that the thing that falls from the sky is a bunch of bananas; not a bird. Reasonable viewers would understand the act of tossing a stone at the bananas as an act designed to catch a piece of fruit as it "flew" by, not an act intended to cause harm to an animal.

Thirdly, viewers will by now generally be familiar with the fantastical theme of much of ALDI's Good Different advertising. The advertisement would be understood by viewers in that context; that is, that ALDI's Good Different advertising very often includes a quirky depiction of an unreal circumstance which shakes consumers out of the mindset that ALDI is just another retailer.

Compliance with the Code

ALDI respectfully submits that applying prevailing community standards, the advertisement cannot be said to be in breach of section 2.3 of the Code or any other part of section 2 of the Code. For the sake of completeness we have also considered the AANA Food and Beverages Code and consider that the advertisement also complies fully with these provisions.

In terms of spots we appeared in across Catch Up, we're unable to see this level of detail as we only receive data by publisher and device.

We respectfully request that the complaint be dismissed.

THE DETERMINATION



The Ad Standards Community Panel (“Panel”) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the “Code”).

The Panel noted the complainants’ concerns that the advertisement depicts and promotes violence towards animals.

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

The Panel 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 Panel noted that there is clear community concern regarding cruelty to animals and that promotion of animal abuse or cruelty is inappropriate for use in advertising.

The Panel considered that the advertisement is highly stylised and fantastical and noted that while the beginning of the advertisement is ambiguous as to the nature of the flying creatures, it quickly becomes clear that they are bananas and not birds.

The Panel noted the advertiser’s response that viewers of the advertisement would understand that the boy is attempting to catch food rather than attempting to cause harm to an animal. The Panel noted that there was no portrayal of the stone hitting the bananas and that there was no depiction of injury or pain to any banana “birds” with no sounds of injury or pain in the advertisement.

The Panel considered that while the scene showing the boy throwing a stone may be considered by some members of the community to be unnecessary to the advertisement, the advertisement does not promote or endorse the harm of animals and is unlikely to be considered to encourage viewers to throw things at birds.

The Panel considered that the complainant’s interpretation that the advertisement appeared to be promoting violence and animal cruelty was unlikely to be shared by a broader audience.

The Panel determined that there was no violence present or portrayed in the advertisement and the advertisement does not depict or condone cruelty to animals. The Panel considered 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 Panel dismissed the complaints.