



Case Report

1	Case Number	0303/16
2	Advertiser	Mondelez Australia Pty Ltd
3	Product	Food and Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	27/07/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The advertisement depicts a wild bear scratching his back against a tree in a forest. There is music playing throughout the scene.

THE COMPLAINT

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

Find the advert offensive as can be misconstrued as sexual. Inappropriate especially at time children are watching

THE ADVERTISER'S RESPONSE

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

Thank you for providing us with the opportunity to respond to the complaint regarding the Cadbury Dairy Milk 'taste like this feels' television commercial.

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

The complainant has raised an issue that falls within the Australian Association of National Advertisers (AANA) Advertiser Code of Ethics, AANA Food and Beverages Advertising and Marketing Communications Code, and AANA Code for Advertising and Marketing Communications to Children. They complainant states they:

- Find the advert offensive as it can be misconstrued as sexual.*
- Find the advert inappropriate especially at times children are watching.*

On review of the complaint received and examination of information surrounding the development and placement of the Cadbury Dairy Milk 'taste like this feels' TVC, we believe that the TVC is consistent with the principles outlined in the AANA's codes.

Our response to each of the complaints raised is outlined below:

Issue raised: The advert is offensive as can be misconstrued as sexual.

Response: The language, sounds and visuals are appropriate for the relevant audience and medium, and not sexual in nature whatsoever. The TVC is based on the creative idea of 'taste like this feels' - the taste of Cadbury Dairy Milk gives you a feeling of intense satisfaction. The TVC depicts the feeling of intense satisfaction with a bear scratching an itch. The bear footage has been licensed, with a link to the original footage available at: <https://www.youtube.com/watch?v=khN4VxGe6u8>. The descriptor on the original film is 'Black bear marking on a rub tree. This footage captures how bears will sometimes bite in addition to rubbing and scratching the tree'. It was shot in a National Park in the USA using a remote camera placed on a tree to capture wild black bears in the forest. Location is Swan Valley, Montana, USA.

Issue raised: The TVC is inappropriate especially at times children are watching.

Response: We recognise the critical role we play in empowering consumers to snack mindfully - it is part of our mission. We therefore take great responsibility in marketing our products appropriately and do not market to children. We were one of the first fast moving consumer goods companies to announce global advertising to children principles over a decade ago. Since then, we have further strengthened our marketing to children approach. We focus all advertising efforts towards the parents and adults, giving them information and choices to help make mindful snacking decisions for themselves and their families. We do not believe in marketing directly to children under 12 years of age.

The TVC was aired during '60 Minute Makeover', a program clearly targeted towards adults.

Please contact us should you have any further questions in relation to this matter.

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 and can be

misconstrued as sexual.

The Board viewed the advertisement and noted the advertiser's response.

The Board then 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 the television advertisement is for Cadbury chocolate and features a brown bear scratching his back against a tree, in time to the music playing throughout the advertisement. The Board in considering the advertisement was of the view that most people would consider the advertisement humorous and light-hearted.

The Board noted the advertiser's response that the advertisement is based on the creative idea of 'taste like this feels' with the advertisement depicting the feeling of intense satisfaction, with a bear scratching an itch.

The Board noted that the advertisement highlights natural bear behaviour with the scratching of the back against the tree. The Board considered overall that the complainant's interpretation of the sexualised nature of the advertisement is an interpretation that is unlikely to be shared by the broader community. The Board further considered that should children view the advertisement they were unlikely to interpret the advertisement as anything more than a bear scratching its back against a tree.

The Board noted that the advertisement was CAD rated W and was aired during '60 Minute Makeover', a program targeted to adults.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

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