



## Case Report

1	Case Number	0309/16
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	Upheld - Modified or Discontinued

### ISSUES RAISED

- Other Social Values
- 2.1 - Discrimination or Vilification Ethnicity
- 2.1 - Discrimination or Vilification Physical Characteristics
- 2.1 - Discrimination or Vilification Race

### DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on a man reading out flight departure details into a microphone. The man's lips then start to move erratically and he begins to speak faster, announcing that all flights are leaving right now. We see his male colleague look at him in surprise as passengers hurry to the various gates. The man who is speaking puts tissues in his mouth to try and stop talking but the tissue falls out and his lips keep moving in an exaggerated manner as the man continues to speak quickly. The man then takes a bite out of a bar of Cadbury's Picnic bar and his voice returns to normal speed.

### THE COMPLAINT

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

*The advertisement exploits the often used caricature of the ethnic stereotype; the stereotypical Indian accent with the cliché Indian caricature demeanour.*

*There are more than 147,100 Indians residing in Australia, yet we don't see Indians ever being portrayed on commercial Australian television in the various capacities that they in fact function within the numerous communities throughout Australia as doctors, engineers,*

*lawyers, etc speaking in Australian accents, mixed accents and so on. Instead, on the incredibly rare occasion that an Indian is seen on Australian television, he/she is portrayed in the most stereotypical and offensive manner. One member of my family actually asked "why do Australians always make fun of our accents if we're ever seen on TV.*

*When attending speech therapy I came across people with severe facial grimaces just like in the Cadbury advertisement. Advertisements like this can undo all the good that has been done, because stutterers can mimic and remind themselves of bad occurrences.*

## **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 Picnic 'Obey your mouth' television commercial (TVC).*

*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 complainants have raised issues that fall within Section 2 of the Australian Association of National Advertisers (AANA) Advertiser Code of Ethics, specifically 2.1 which states that Advertising or Marketing Communications shall not portray people or depict material in a way which 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.*

*Issue raised: The complainant believes this TVC is an insult to human intelligence.*

*In reviewing and responding to this complaint, we examined information surrounding the development of the Cadbury Picnic 'Obey your mouth' TVC, and determined that the TVC is consistent with the principles outlined in the AANA's codes.*

*Our response to the complaint raised is outlined below:*

*Response:*

- The TVC aims to bring to life in a joyful and light-hearted way, the concept of our mouth craving for certain things at certain times, and in a humorous manner, suggests we obey these cravings.*
- It is part of a series of similar advertisements where every day Australians have their mouths 'taken over' by a craving for our products.*
- The TVC was designed to appeal to our consumers and in no way intended to offend or insult.*
- We conducted extensive consumer research of the TVC evaluating viewer reactions and*

*using a robust sample size to ensure results were representative of the general population. During this process, the research did not suggest any 'insulting' or 'offensive' reaction/themes.*

- Given the humorous and light-hearted tone of the advertisement and the fictional/fanciful nature of the animations, it is obvious that this imagery is not reflective of a real life situation and viewers will comprehend it as such.*
- Taking into account the fact that the TVC was market tested prior to its release, and given the humorous tone of the advertisement we don't believe viewers will be offended or insulted by this TVC.*
- In examining the TVC against the AANA Advertiser Code of Ethics we do not believe the advertisement contravenes any section, specifically 2.1.*

*Issue raised: The complainant is concerned that the TVC could be offensive and damaging to people with speech impediments.*

#### *Response*

*The TVC brings to life in a joyful and light-hearted way, the concept of our mouth craving for certain things at certain times, and in a humorous manner, suggests we obey these cravings.*

*It is part of a series of similar advertisements where every day Australians have their mouths 'taken over' by a craving for our products.*

- The TVC was designed to appeal to our consumers and in no way intended to offend.*
- We conducted extensive consumer research of the TVC evaluating viewer reactions and used a robust sample size to ensure results were representative of the general population. Offence/damage to people with speech impediments was not identified as a 'theme' or area for concern.*
- The TVC does not portray or depict material in a way which discriminates against or vilifies a person or section of the community.*
- Given the humorous and light-hearted tone of the advertisement and the fictional/fanciful nature of the animations, it is obvious that this imagery is not reflective of a real life situation and viewers will comprehend it as such.*
- In examining against the AANA Advertiser Code of Ethics we do not believe the advertisement has contravened any section, specifically 2.1.*

*Issues raised: The complainants found the portrayal of the character in the TVC to be stereotypical, exploitative and offensive to Indian Australians.*

#### *Response*

*The TVC aims to bring to life in a joyful and light-hearted way, the concept of our mouth craving for certain things at certain times, and in a humorous manner, suggests we obey*

*these cravings.*

*It is part of a series of similar advertisements where every day Australians, of various ethnicity, have their mouths 'taken over' by a craving for our products.*

- *The TVC was designed to appeal to our consumers and in no way intended to offend.*
- *We conducted extensive consumer research of the TVC evaluating viewer reactions and using a robust sample size to ensure results were representative of the general population. During this process 'stereotypes'/'ethnicity' were not identified as 'themes' or areas of concern.*
- *Australia's population is one of the most culturally and linguistically diverse in the world. According to the last census, approximately 43% of Australians have at least one parent who was born overseas and 30% of the population were born in another country. Collectively, Australians speak over 200 languages.*
- *The TVC is simply reflective of the diversity of Australia's population and given the humorous tone of the advertisement, does not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race or ethnicity.*
- *In examining against the AANA Advertiser Code of Ethics we do not believe the advertisement contravenes any section, specifically 2.1.*

*Other information supplied*

*Please find attached the following documents relating to this complaint:*

- *a description of the advertisement*
- *a transcript of the advertisement*
- *details of the CAD reference number and CAD rating*
- *a digital copy of the advertisement*
- *a copy of the media schedule for the TVC (please note the TVC it is no longer on air)*
- *details of the advertising agency and media buyer*

*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 complainants' concerns that the advertisement portrays Indian people in

a stereotypical and offensive manner.

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

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that "advertisements shall not portray or depict material in a way which 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."

The Board noted the Practice Note for Section 2.1 of the Code provides the following definitions:

Discrimination – unfair or less favourable treatment

Vilification – humiliates, intimidates, incites hatred, contempt or ridicule.

The Board noted that the advertisement shows a man, possibly of Indian origin, with a strong accent reading out flight departure details. He then proceeds to talk in a fast and confused way with his mouth moving erratically and of its own accord. At one point the man stuffs a tissue into his mouth and then eventually a Picnic.

The Board noted the advertiser's response that Australia's population is one of the most culturally and linguistically diverse in the world and the advertisement is simply reflective of the diversity of Australia's population. The Board considered that the use of an Indian man was a reflection of the diversity of Australian culture that should be demonstrated in advertising.

The Board noted it had previously upheld a complaint against a stereotypical depiction of an Indian man in case 0267/11 where:

"The majority of the Board considered that the depiction of the door to door salesman as an Indian man with a strong accent does perpetuate a stereotype, and is one that would generally be considered to be a negative stereotype of a person from a particular racial background. The Board also considered that the subtle suggestion that the Indian man may not be completely honest is also offensive and that is vilifying Indian people."

A minority of the Board considered that the use of an Indian man was indeed a reflection of the diversity of Australian culture and the scene is an exaggerated and humorous parody of the inaudible announcements frequently heard at airports and railway stations, and did not consider the man's ethnicity to be a focus of the advertisement and did not consider the image discriminatory.

The majority of the Board considered, however, that the depiction of the announcer as an Indian man with a strong accent, in an advertisement which highlights his inability to be understood, is presenting him in a negative way and does perpetuate a stereotype that would generally be considered to be a negative stereotype of a person from a particular racial background.

Consistent with the decision in 0267/11, the majority of the Board considered that this

advertisement depicted a man, on account of racial background, in a negative manner.

The Board noted the advertiser's response that given the humorous tone of the advertisement, it does not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race or ethnicity. The Board noted the AANA Practice Note for Section 2.1 and specifically considered the references to:

'A negative depiction of a group of people in society may be found to breach section 2.1 even if humour is used. The depiction will be regarded as negative if a negative impression is created by the imagery and language used in the advertisement. Advertisements can suggest stereotypical aspects of an ethnic group or gender with humour provided the overall impression of the advertisement is not a negative impression of people of that ethnicity or gender.'

The majority of the Board considered that despite the humour of the advertisement the stereotypical depiction shows the man as having a strong accent and the overall depiction is negative as the man is unable to be understood (whether due to his accent or the technology), being unable to control his mouth and, at one point, stuffing a tissue in his mouth, all making him appear ridiculous.

The Board noted one complainant's concerns that the advertisement highlights the severe facial characteristics exhibited by people with speech difficulties, but the Board felt that this was part of the humour of the advertisement, attempting to highlight the "chaotic mix up" referred to by the voiceover, and that this interpretation of a reference to people with disability or physical illness was unlikely to be shared by the broader community.

The Board considered that the advertisement did portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race.

The Board determined that the advertisement did breach Section 2.1 of the Code.

Finding that the advertisement did breach the Code, the Board upheld the complaint.

## **THE ADVERTISER'S RESPONSE TO DETERMINATION**

Thanks very much for the time you have taken to review our response relating to these complaints.

While we're disappointed, we fully accept the board's decision.

The ad has been off air for a number of weeks now and will not return.

