



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0317/12</b>
<b>2</b>	<b>Advertiser</b>	<b>Yum Restaurants International</b>
<b>3</b>	<b>Product</b>	<b>Food and Beverages</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>08/08/2012</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

- 2.6 - Health and Safety      Bullying (non violent)
- 2.3 - Violence Bullying
- 2.1 - Discrimination or Vilification      Physical Characteristics

### DESCRIPTION OF THE ADVERTISEMENT

The TVC depicts a young man dancing in front of three young men sitting on a couch in front of a television in a lounge room. The three young men sitting on the lounge are enjoying eating products from the Pizza Hut Sticky Fingers range. The young man stops dancing and one of the men on the couch states, "No, its not enough." The young man starts dancing again and a voice over states "Do whatever it takes to get your hands on Pizza Hut Sticky Fingers, wings, ribs and new chicken strips in a sticky barbecue sauce." The final shot is of "Dougie" the Pizza Hut delivery boy walking away from the house, having just made a delivery.

### THE COMPLAINT

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

*Bullying is portrayed as humour.*

*This is definitely encouraging people to bully their 'friends' it is not funny to make the person keep dancing to get a taste it is cruel.*

*I object to this advertisement because it blatantly condones bullying in order to be provided with one of the basics of life namely food. Not only do the men on the sofa make the man dance once but then insist on a repeat performance and in fact perform at a higher level. The young man being bullied appears to be in distress.*

*Bullying in any form at all is to be condemned but when it is associated with a basic need then it is completely unacceptable in civilised society.*

*In this day and age when bullying is becoming increasingly a problem I object that this ad blatantly promotes bullying behaviour. The male forced to dance for the 'right' to eat the food is humiliated intimidated and scoffed at by the other people in the ad. It sends a very clear message to viewers that this kind of behaviour is acceptable and indeed normal. This is clearly the wrong message and considering it is being screen during times that people of all ages young and old are watching is particularly concerning.*

*I am of the opinion that bullying should not be used as an advertising tool as there is so much of it in our schools now. Surely we don't need to show adults doing it.*

*The ad shows a clear case of bullying behaviour at a time when our society is expressing clear concerns about such behaviour. Teenagers will think it funny but as it clearly depicts an overweight person being cruelly made to perform to the satisfaction of his cool 'friends' it is inappropriate and unsatisfactory.*

*Depicts Bullying behaviour and condones this and shows that it is viewed as funny that someone can be bullied in this way.*

*I have found this advertisement to be offensive and derogatory. In a time when harassment and bullying is a punishable event and so much of this is going on in the social network with young people this ad is ethically and morally inappropriate.*

## **THE ADVERTISER'S RESPONSE**

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

*Yum! Restaurants Australia Pty Limited (Pizza Hut) was concerned to learn of this complaint and wishes to assure the ASB that it has strict operating procedures and advertising guidelines in place which provide for the development of advertisements in accordance with those procedures and standards. Pizza Hut makes every effort to ensure that its advertisements do not offend prevailing community standards and comply with all relevant legislation.*

*We also confirm that Pizza Hut sought and received CAD approval in respect of the commercial prior to it being aired to the public. CAD did not raise any issues in respect of those matters the subject of the complaint.*

*Code for Advertising and Marketing Communications (the Code")*

*Section 2.1 Discrimination or Vilification - Physical Characteristics*

*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.*

*The TVC was designed to appeal to young adult consumers. The intention of the TVC is to depict what lengths a consumer will go to, to obtain the Pizza Hut Sticky Fingers range of products. The actor chosen to portray the young man dancing was chosen specifically for his dance skills, facial expressions and comedic talent. The intent of the TVC is an exaggeration and hyperbolic representation of the premise that the Pizza Hut Sticky Fingers range of products are so irresistible that consumers will go to great lengths to obtain the products. We submit that the TVC does not breach any of the provisions of section 2.1.*

### *Section 2.3 Violence – Bullying*

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

*We submit that there is no violence or bullying portrayed in the TVC. The young man dancing in front of his three friends has elected to do so by choice because of his willingness to do anything to try the Pizza Hut Sticky Fingers range of products. There is no violence portrayed in the TVC. The friends are enjoying a joke together including the young man dancing. The intent of the TVC is an exaggeration and hyperbolic representation of the premise that the Pizza Hut Sticky Fingers range of products are so irresistible that consumers will go to great lengths to obtain the products.*

## **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 portrays scenes of bullying behavior and encourages people to bully their friends.

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

The Board first considered whether the advertisement was in breach of Section 2.1 of the Code. Section 2.1 of the Code states: “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, sex, age, sexual preference, religion, disability or political belief.”

The Board noted that the advertisement depicts a young man dancing in front of three young men sitting on a couch in front of a television in a lounge room. The three young men sitting on the lounge are enjoying eating products from the Pizza Hut Sticky Fingers range. The young man stops dancing and one of the men on the couch states, “No, not enough.” The young man starts dancing again and a voice overs states “Do whatever it takes to get your hands on Pizza Hut Sticky Fingers, wings, ribs and new chicken strips in a sticky barbeque sauce.”

The Board noted the advertiser’s response that the actor performing the dance was chosen for his dance abilities, facial expressions and comedic abilities. The Board considered that the purpose of the advertisement is to draw the attention of the viewer to the irresistible nature of the product and to highlight the lengths that people will go to in order to have some of the products on offer. The Board considered that the physical characteristics of the actor were not featured in anyway and he was not depicted in a manner that was discriminating against any person or section of the community.

The Board determined that the advertisement did not discriminate against or vilify any person or section of the community on account of sex and did not breach Section 2.1 of the Code.

The Board then considered whether the advertisement was in breach of Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted that they had previously determined that depicting scenes of perceived bullying that do not amount to physical bullying falls within section 2.6 of the code relating to prevailing community standards on health and safety.

The Board noted the advertiser’s response that the intent of the advertisement was to be purely comedic and humorous. The Board noted that the male dancer does not look upset or concerned about the way he is being treated but rather more concerned about doing a good performance so that he can eat the food that has been delivered.

The Board considered that the scenario depicted in the advertisement was light hearted and humorous and reflects a scene of mateship. The Board considered that the type of situation that the young men are in is a typical scene that the audience could relate to easily and does not depict a situation of contrived bullying.

The Board noted that the connection between the friends ordering food and then encouraging one of the mates to dance for his share is not unrealistic and that most members of the community would relate to the situation and understand that it is humorous and fun.

The Board determined that the advertisement did not breach Section 2.6 of the Code as it does not depict or condone bullying and is not contrary to prevailing community standards on health and safety.

Further finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.