



Case Report

1	Case Number	0323/11
2	Advertiser	Snack Brands Australia
3	Product	Food and Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	24/08/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience
- 2.1 - Discrimination or Vilification Sex

DESCRIPTION OF THE ADVERTISEMENT

A young guy enters a train carriage where three attractive women are seated. After they each try to get him to sit next to them he instead chooses to sit next to a grandma who is holding a packet of CC's Corn Chips.

THE COMPLAINT

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

Unnecessary visual exposure of female breasts (i.e. exposed cleavage without bra); and this was run at an inappropriate time of day; degrading to women.

THE ADVERTISER'S RESPONSE

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

It is the understanding of Snack Brands Australia that a complaint has been lodged against the CC's Corn Chips 'Train' TV commercial. The complainant feels the advertisement breaches Section 2 of the Advertiser Code of Ethics, and specifically the following:

2.1 – Discrimination or Vilification

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 complainant has raised concern that there was unnecessary visual exposure of female breasts (i.e. exposed cleavage without bra), and that the commercial was degrading to women.

The idea behind the TV commercial is that CC's Corn Chips are so irresistible, 'you can't say no', and this is demonstrated in a light hearted way, where a young guy bypasses 3 attractive females, who each offer him a seat next to them on a suburban train, before he decides to sit next to a grandma, as she is holding a pack of CC's Corn Chips, which our young guy finds irresistible.

A close up of the woman was used to show her moving across the seat to free up space for the young guy. At no time is it intended, or we believe true, that the woman's cleavage is the focus, or excessively exposed. The close up of the woman runs for only approximately two seconds. Her hair also covers a large portion of her chest area, as well as the clothing she is wearing. Furthermore, the woman's facial expressions, as well as the young guy's response, in no way supports the notion that the advertisement discriminates against or vilifies women in any way. Based on this, and the lighthearted nature of the story, we do not believe the advertisement is offensive, or degrading to women, nor the clothing the actress is wearing in the TV commercial as inappropriate.

2.3 – Sex/sexuality/nudity

Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programmed time zone.

The complainant has raised concern that the advertisement was run at an inappropriate time of the day.

The TV commercial was issued with a 'W' classification by Commercials Advice (CAD) i.e. general care in placement. It may be broadcast at any time except during or adjacent to Preschool and Children's programs.

The TV commercial is targeted primarily to an audience aged 18 – 29 year olds, and secondly to main grocery buyers (MGBs), that being females and males aged 35 – 49 years of age. The media purchased for this campaign was selected to suit the audiences Snack Brands Australia are targeting for CC's Corn Chips, whilst respecting the 'W' classification issued by CAD.

The complaint relates to the advertisement being aired on Channel 7 on the 6/8/11 at 7.05pm. The program that the advertisement appeared in at this time had a PG rating (the program was a movie titled 'National Treasure'). Based on the classification given for the TV commercial by CAD, we do not believe the TV commercial was run at an inappropriately time of day, or during an inappropriate program.

Snack Brands Australia does not believe the advertisement breaches any part of Section 2 of the AANA of the Advertiser Code of Ethics.

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 features inappropriate images of women and is degrading to women.

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

The Board first 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, sex, age, sexual preference, religion, disability or political belief.'

The Board noted the advertisement is for snack food ie: CC chips and features a young man boarding a train and passing by several young, attractive women to sit next to an elderly lady who is eating CC’s.

The Board noted that each of the women move in their seats in a manner which suggests that they would be happy for the man to sit next to them for the journey. The Board considered that the tone of the advertisement was light hearted and that the women are not presented as sex objects but rather as empowered young women who find the fellow attractive and respond to his arrival on the train in a playful, mildly sexualized way.

Based on the above the Board determined that, in this instance, the advertisement did not objectify women and did not depict any material that discriminated against or vilified any person or section of society. The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone”.

The Board noted there is a level of community concern about the overtly sexualised use of women in advertising and acknowledged the rating of the advertisement as ‘W’ meant that the relevant audience was very broad and could include children. However, the Board considered that although in one shot the focus on a certain female’s bust is prolonged, there is no actual nudity and she is fully dressed. The Board considered that the actions of the woman, was flirty but not sexualized, did not depict any unnecessary nudity and did not breach Section 2.3 of the Code.

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

