



Ad Standards Community Panel
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Advertising Standards Bureau Limited
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Case Report

1	Case Number	0330/18
2	Advertiser	Australian Pork
3	Product	Food and Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	25/07/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Age
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features an elderly husband waiting for his wife in the doctor's office. Elderly wife emerges with doctor and says "the doctor says we should pork more often". The scene then shifts to elderly couple eating pork for dinner while the voiceover states that pork has half the fat of beef fillets and are a valuable source of iron.

THE COMPLAINT

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

This has nothing to do with actual pork and it makes us cringe at how inappropriately meat is being advertised. We have seen this ad multiple times on TV, often just after 8.30 PM (it was on 7flix (76) at around 8.35 PM during Bones on 4/7/18) and it makes us hesitate when we want to watch one of the commercial channels.



I was offended not only by the vulgar innuendo of the dialogue, but also, because this advert portrays a stereotypical idea of old people as idiots. It demeans old age and senior citizens, as well as making fun of people who are hard of hearing. It is offensive on so many levels.

THE ADVERTISER'S RESPONSE

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

I am writing in response to your letter dated 13 July 2018, Advertising Complaint Reference: 0330/18

The two complaints, lodged on the 5th and 11th of July 2018, refer to Australian Pork's Get Some Pork on Your Fork – Waiting Room television advertisement (Waiting Room Ad). We enclose a copy of the script for the Waiting Room Ad as well as the mp4 video file.

DESCRIPTION OF AD

The Waiting Room Ad is the 7th television commercial in a series of advertisements which collectively form Australian Pork's Get Some Pork on Your Fork brand campaign. First aired in February 2010, the campaign targets Australian consumers who are either solely or jointly responsible for the household's grocery shopping and cooking. The Waiting Room Ad takes place in the waiting room of a doctors surgery. The focus is on an elderly man waiting for his wife while she is seeing the doctor. When the man's wife emerges from the doctor's room she tells him what she thinks the doctor has advised her i.e. "to pork more", but she has misinterpreted the advice (presumably to "eat pork more"), which leads to a humorous outcome, much to the amusement of others sitting in the waiting room. The final shot is of the couple sitting down to a meal of pork and the voiceover giving the important message that pork has "less than half the fat of beef fillets and is a valuable source of iron".

BACKGROUND

Australian Pork Limited (APL) is a pig producer-funded organisation that undertakes R&D, marketing, and government communication for the industry – things that individual farmers cannot do for themselves.

APL invests between approximately \$5 million in above-the-line advertising each year to promote fresh pork products, which account for about twelve per cent of all fresh meat sales nationwide. We spend a comparable monetary figure on research, retailer collaboration and supply chain engagement for new product development.



Following extensive consumer research first into the usage and attitude of pork consumption in 2011 and protein territory research in 2016, APL developed a positioning strategy for the current advertising campaign (which includes the Waiting Room Ad), which appeals to our key media target segments of grocery buyers.

THE COMPLAINTS

The complaints are based on various concerns about the Waiting Room Ad, including that it contains "vulgar innuendo", has "nothing to do with pork", "demeans old age" and/or makes "fun of people who are hard of hearing". The complaints raise issues under Section 2.1 of the AANA Advertising Code of Ethics (Code) – "Discrimination or Vilification Age" and Section 2.4 of the Code – "Sex / sexuality / nudity – general". We address these sections of the Code in more detail below.

Section 2.1 of the Code

Section 2.1 of the Code 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."

We refer to the AANA Code of Ethics Practice Note (Practice Note), and the AANA "Managing the Portrayal of People Industry Practice Note" (Industry Note), which provide further guidance about the portrayal of people within certain groups under section 2.1 of the Code. The Practice Note states that humour may be used in advertising to suggest stereotypical aspects of a group, provided the overall impression of the advertisement does not convey a negative impression of people of that group.

Similarly, the Industry Note states that discrimination describes unfair or less favourable treatment and vilification describes content which humiliates, intimidates or incites hatred, contempt or ridicule. Advertising can suggest stereotypical aspects of a group with humour, provided the overall impression created is not a negative impression of people of that group." A depiction will be regarded as negative if a negative impression is created by the imagery and language used in the advertisement."

We submit that the Waiting Room Ad does not cast a negative light on old age or people who are hard of hearing. We submit that whilst humour is used in the Waiting Room Ad, it casts the characters "Jim" and Nance" in a positive light, as they are made endearing and loveable as well as entertaining through the innocent misinterpretation that occurs. The misinterpretation is quite understandable and could happen to anyone of any age and therefore does not imply that old people are stupid. Rather the



humour arises from the reactions of the other people in the waiting room who overhear the conversation of the couple.

We submit that it is not clear from the Waiting Room Ad whether the misinterpretation has occurred because "Nance" misheard the doctor or simply omitted the word "eat" when relaying the message to her husband. There is nothing to suggest that Nance has a hearing problem and the fact that Jim does not hear the receptionist at the start of the Waiting Room Ad, could equally suggest that he is deep in thought, concerned about his wife's appointment. Whether any of the characters present have hearing problems is not an integral part of the story line and therefore this issue has not been made clear in the Waiting Room Ad.

We submit that the Waiting Room Ad brings to life a situation commonly encountered in daily existence, that is, when innocent misinterpretation can lead to awkward, but humorous scenarios. There is nothing in the Waiting Room Ad to suggest that older people are treated less favourably or unfairly or that humiliates, intimidates or incites hatred, contempt or ridicule towards the characters or portrays the older characters in a negative way. The couple are portrayed as loving and caring towards each other and made endearing to the audience. It is a light hearted and humorous advertisement that highlights important nutrition facts about pork.

Section 2.4 of the Code

Section 2.4 of the Code states that Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

We note that APL conducted significant research into audience preferences prior to the production of the Waiting Room Ad to ensure that the sexual innuendo used was appropriate (discussed further below). We entirely reject the claims made by the complainants that the Waiting Room Ad is inappropriate or uses "vulgar innuendo". We submit that the language used is light hearted, humorous and consistent with modern Australian vernacular. The fact that the phrase "eat pork more" has been misunderstood as "pork more" does not make the use of the word inappropriate, but rather uses humour to emphasise the important message that pork has "less than half the fat of beef fillets and is a valuable source of iron".

We again refer to the Practice Note which states that "use of the word "sex" does not, of itself, make an advertisement unacceptable. However, such advertisements must not contain images that are highly sexualised." We submit that not only is use of the word "pork" very mild and appropriate in the context of advertising pork meat, but there are no other sexual references, images or words used in the Waiting Room Ad.

We submit that the very mild sexual innuendo created through use of the word "pork"



is entirely appropriate to a general audience based on the CAD rating and does not breach section 2.4 of the Code.

Section 2.5 of the Code

Whilst section 2.5 of the Code has not been raised by the initial assessment conducted by Ad Standards, we mention it here for completeness.

Section 2.5 of the Code states that Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided."

We submit that the use of the word "pork" is appropriate in the context of the Waiting Room Ad, given that the product being advertised is pork. The humour in the Waiting Room Ad is derived from a play on words in the form of a double entendre that is in no way "strong", "obscene" or vulgar and therefore does not breach section 2.5 of the Code.

This is also supported by consumer research conducted by APL, which showed that at least 94% of audience members would not consider the Waiting Room Ad to be offensive.

Audience Research Conducted by APL

To ensure the nutritional message of the Waiting Room Ad was delivered in a respectful, appropriate manner, APL worked closely with three parties throughout the development process to ensure both visual and audio cues were tasteful and non-suggestive. These parties included our advertising research agency, Pulse Research, our creative agency, Noble Brands and our advertising tracking agency, Thrive. APL was keenly aware during the development process that producing insensitive content would not only turn off APL's target audience (thus rendering the advertisement counterproductive), but it would also detract from the key insight of humour in misinterpretation – which the advertisement was built upon. We enclose a document titled "Supporting Research", which details the research and analysis that went into developing the Waiting Room Ad and making sure that all aspects of the material used (including references to age and sexual innuendo) was appropriate for the audience.

APL conducted advertising research to ensure that reactions to the Waiting Room Ad would be positive. Not surprisingly, after viewing the advertisement, 46% of respondents suggested that they would either "enjoy watching it a lot" or "quite enjoy watching it" and 69% of respondents saying they liked the ad. Whilst the ad has high general likeability, when breaking this down further by age group, APL found that that older viewers found the Waiting Room ad more likeable, entertaining, and relatable



than average population. Therefore, APL felt confident in the appropriateness of the Waiting Room Ad based on the thorough research and empirical evidence it had gathered.

CAD rating

The Waiting Room Ad was awarded a J rating by CAD (Free TV Australia). As a J rated advertisement, the commercial has been deemed acceptable to broadcast any time of the day except during pre-school and children programs. While the campaign is not targeted at a younger audience, the fact that CAD awarded a J rating testifies that the campaign treats sex, sexuality and nudity with sensitivity, as mandated by the Code.

Conclusion

Finally, it should be noted that the vast majority of people who have seen the Waiting Room Ad will have previously seen other APL advertisements containing similar themes based on "misinterpretation". An example of this is APL's previous advertisement Get Some Pork on Your Fork - Postman. This ad was reviewed by the Advertising Standards Bureau in January 2012 with any suggestion of inappropriateness being successfully dismissed - for further information please see case file # 0008/12.

I trust the explanation above has provided a more comprehensive understanding of the extensive efforts made by APL to ensure an appropriate and effective advertising campaign, while addressing your concerns.

THE DETERMINATION

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

The Panel noted the complainants' concern that the advertisement is ageist and contains inappropriate sexual references.

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

The Panel noted that this television advertisement features an elderly husband waiting for his wife in a doctor's office. The man's wife comes into the waiting room and tells her husband 'the doctor says we should pork more often.'

The Panel 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 Panel noted the Practice Note to Section 2.1 of the Code which provides the following definitions:

"Discrimination – unfair or less favourable treatment
Vilification – humiliates, intimidates, incites hatred, contempt or ridicule".

The Panel noted the complainants' concern that the advertisement portrays a negative stereotype of older people being idiots.

The Panel considered the advertiser's response that the advertisement does not cast a negative light on old age or people who are hard of hearing.

The Panel noted that they had previously considered a similar issue in case 0359/16, in which:

"The Board noted this television advertisement features an older woman explaining to her hard-of-hearing husband that she has updated her health insurance to no longer include pregnancy benefits and they now have the best cover. Her husband mishears her and things she is telling him that she is pregnant, and that he is the best lover she has ever had. The Board noted the complainants' concerns that the advertisement implies the man is stupid and that it is degrading to women and men of a mature age. The Board noted the advertisement plays on the idea that the man cannot hear his wife clearly and assumes she is telling him that she is pregnant and considered that this depiction does not imply that the man is stupid or should be thought less of but rather that he is hard of hearing and has jumped to a conclusion which is extremely unlikely and in the context of their ages is humorous. The Board considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community."

Consistent with the previous determination, the Panel considered that the current advertisement is using a humorous situation involving older people which does not imply that the couple is stupid.

The Panel considered that the advertisement does not depict either the man or the woman as receiving unfair or less favourable treatment and does not humiliate, intimidate or incite hatred, contempt or ridicule of the couple.

The Panel determined that the advertisement does not discriminate against or vilify a person or section of the community on account of age, and did not breach Section 2.1 of the Code.

The Panel 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 Panel noted the first version had been given a ‘J’ rating by CAD (parental guidance recommended and not in children’s programs) and was aired at a time appropriate to the rating (http://www.freetv.com.au/media/CAD/Placement_Codes.pdf).

The Panel noted the complainants’ concern that the advertisement includes vulgar innuendo which is offensive

The Panel considered the advertiser’s response that the use of the word ‘pork’ is appropriate in an advertisement for pork and that the advertisement does not contain any other sexualised references or images.

The Panel noted that they had considered a similar issue in case 0296/13, in which:

“The Board noted that the advertisement is a radio advertisement that refers to two women seemingly looking outside of a home discussing the female neighbour they see before them “chatting” to the postman. The neighbour appears to be flirting with him. We hear the two women proceed to discuss how she “porked” him. The voiceover then describes how spaghetti Bolognese tastes better with Australian Pork mince. The Board considered that the references to “porking” in the advertisement are mildly sexually suggestive, but considered that the sexual suggestion is unlikely to be understood by children, and that the sexual innuendo would be understood by most in the community as humorous and a play on the meaning of the word “pork” in the context of the advertised product. The Board acknowledged that some members of the community might be offended by the use of the term “pork him” but considered that it is only mildly sexualized. The Board noted that this suggestion is then followed by discussion about the woman serving pork to the whole neighbourhood, and the connection is clearly made that “porking” is referring to food and not sex. The Board determined that the advertisement did treat the issue of sex with sensitivity to the relevant audience and did not breach Section 2.4 of the Code.”

Consistent with the previous determination, the Panel considered that the references to ‘pork’ in current advertisement are mildly sexually suggestive, but considered that the sexual suggestion is unlikely to be understood by children, and that the sexual innuendo would be understood by most in the community as humorous and a play on the meaning of the word “pork” in the context of the advertised product.

The Panel considered that the phrase ‘we should pork more’ is followed by images of the couple eating pork and considered that in this advertisement the link between ‘pork’ and eating pork is a clear reference to food and not to sex.

The Panel determined that the advertisement did treat sex, sexuality and nudity with



sensitivity to the relevant audience and that it did not breach Section 2.4 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Panel dismissed the complaints.

