



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0332/18
2	Advertiser	Mars Wrigley Confectionery
3	Product	Food and Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	08/08/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

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

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

DESCRIPTION OF THE ADVERTISEMENT

The television advertisement features a male in a life drawing class. A woman in the centre of the room removes her robe and then greets the male 'oh hi sweetie', and the concerned male responds 'hi mum'. A voice over then states 'Mars, enough chocolate to deal with anything.' The woman is then seen standing behind her son wearing a robe and commenting that his painting is very good.

THE COMPLAINT

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

My teenage child was offended as was I that any offspring should have to draw their parent nude.

But to think the mother then comes and tells the offspring they have done a good job drawing her nude is a disgrace.

This is morally wrong and children/offspring should not be around their parents naked



- at any age.

THE ADVERTISER'S RESPONSE

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

Description of the advertisement

The television Advertisement relates to Mars® chocolate bars, a product of Mars Wrigley Confectionery. The general premise behind the broader brand campaign "Enough Chocolate To Deal With Anything" is that the Mars® chocolate bar is a big, bold chocolate bar that helps you to bounce back when you're facing the everyday, and sometimes awkward, challenges that life throws at you. In this Advertisement a university student is faced with an interesting and awkward challenge: he's shown up to life drawing class and learned that his Mum is the model.

Mars contends that the Advertisement does not breach any section (including Section 2) of the AANA Advertiser Code of Ethics (the Code) which also covers the AANA Code for Advertising and Marketing Communications to Children and the AANA Code for Food and Beverages Marketing.

The AANA Code for Advertising and Marketing Communications to Children is not applicable in this context as the Advertisement is not directed at children.

This is in line with our commitments to not advertise to children under 12 as part of the Mars Marketing Code and as a signatory to the Responsible Children's Marketing Initiative.

The Advertisement complies with the AANA Code for Food and Beverages Marketing: there is no suggestion the Advertisement misrepresents the product, makes any health or nutrition claims, shows any excess consumption or is otherwise contrary to Prevailing Community Standards.

Sections 2.1- 2.3 and 2.5 – 2.7 of the Code do not appear relevant to the Complaint or to the content of the Advertisement and are addressed further below:

2.1 - Discrimination or vilification

This section does not appear relevant to the Complaint or the content of the Advertisement. The Advertisement does not discriminate or vilify any person.

2.2 - Exploitative or degrading

This section does not appear relevant to the Complaint or the content of the Advertisement. As indicated above, the Advertisement does not depict or imply any degrading actions, and is not exploitative of any individual or group of people.



2.3 – Violence

This section does not appear relevant to the Complaint or the content of the Advertisement. The Advertisement does not present or portray violence of any kind.

2.4 - Sex, sexuality and nudity

Firstly, the Complaint does not appear to be concerned about any actual nudity featured in the Advertisement, of which there is very little. The Advertisement does not prominently feature naked or semi-naked people. The setting of the Advertisement is a life drawing class, and in respect there is nudity alluded to and very brief vision is shown of the model removing her gown, however, her buttocks, nipples and genital regions are not shown.

The creators of the Advertisement were very careful in terms of what was actually shown within the Advertisement. There is no nudity for nudity's sake. The inclusion of partial nudity is appropriate for the Advertisement's context being set in a life drawing class.

The nature of the Advertisement is light-hearted and jovial. In this respect, the reference to nudity in this comical situation is not inappropriate for the audience. The reference is not in any way sexualised and there is certainly no sexual innuendo, simply a reference to the awkward situation in which a young male student finds himself in a life drawing class with his mother as the model. The mother character in the Advertisement is entirely comfortable with her appearance and profession and it is not suggested that the mother is being exploited or degraded in any way.

The Complaint appears more concerned with the 'moral impropriety' of the suggestion of a child being around their parents whilst naked or required to draw them naked (whilst there is no suggestion of compulsion in the Advertisement).

Mars submits that regardless of whether this is a moral view shared by a reasonable audience member, this is not the moral viewpoint being offered by this Advertisement and that it simply is a jovial and light-hearted skit making fun of the potential awkwardness of the situation .

2.5 – Language

This section does not appear relevant to the Complaint or the content of the Advertisement. No inappropriate or obscene language is used in the Advertisement.

2.6 - Health and Safety

This section does not appear relevant to the Complaint or the content of the Advertisement. No element of the Advertisement is contrary to Prevailing Community Standards on health and safety.



2.7 - Distinguishable as advertising

This section does not appear relevant to the Complaint or the content of the Advertisement. It is clear that this piece of film is an advertisement for Mars.

Mars is committed to complying with the Code and all relevant advertising laws and codes at all times and on the basis of the above, maintains that the Advertisement does not contravene the Code. Mars respectfully submits that the Complaint should be dismissed.

Should you require any further information, please do not hesitate to contact us.

THE DETERMINATION

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

The Panel noted the complainant’s concern that the advertisement shows nudity and immoral behaviour.

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

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 that this television advertisement shows a young man attending an art class and realising that his mother is the nude model.

The Panel noted the complainant’s concern that the advertisement shows a mother naked in front of her adult son, which is inappropriate.

The Panel noted that the advertisement only implies the mother’s nudity, it does not show her nipples, buttocks or genitals at all. The Panel noted that a scene of the mother removing her robe does reveal the side of her breast and the top of her buttocks, however considered that this scene was fleeting, lasting for less than a second. The Panel considered that there is no gratuitous nudity in the advertisement; any implied nudity is relevant to the storyline of a life drawing class.

The Panel considered the advertiser’s response that there is no sexualised content or innuendo in the advertisement and that the humour of the advertisement relies on the uncomfortable situation the man finds himself in when realising his mother is the model in his life drawing class.



The Panel noted that the complainant's main concern appeared to relate to the moral implications of a parent being naked in front of their child, rather than the actual nudity in the advertisement. The Panel noted that it is not the role of the Panel to make a determination based on moral or ethical issues, only on the actual content of the advertisement and whether it complies with the Code.

The Panel noted that some members of the community may be uncomfortable with the representation of nudity in the advertisement, however considered that the level of nudity was mild and was not inappropriate for a broad audience which may include children.

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

