



Case Report

1	Case Number	0339/11
2	Advertiser	Lion Nathan Aust Pty Ltd
3	Product	Food and Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	14/09/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

TVC includes various scenes of a man ('your juvenile mate') doing things in the home and outdoors that are silly. One scene shown him with sausages in a toaster.

THE COMPLAINT

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

I am writing to bring to your attention an Advertisement you run on TV about "Dare Iced Coffee".

I have noticed a segment that is not good publicity for children. In the Kitchen a guy attends a toaster with sausages sticking out of it.

I have mentioned this to many people and they have all noticed this segment. This could give children the idea you can cook sausages in a toaster.

Not a good thing. Could you please look into this advertisement and see what you think.

THE ADVERTISER'S RESPONSE

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

The Dare Advertisement is part of a tongue-in-cheek campaign designed to examine life's pressures and the responsibilities that face Dare's target market - the "reluctant adult" aged between 25 and 30 years of age - and how they can be overcome with the help of a Dare Iced Coffee.

We assume that the ASB's concern is directed at the possibility that the Dare Advertisement may depict material which is contrary to Prevailing Community Standards on safety rather than health, as the Dare Advertisement does not touch on any health issues. As such, this letter sets out why we consider the Dare Advertisement does not depict material contrary to Prevailing Community Standards on safety.

Addressing the complaint

We consider that the Dare Advertisement does not breach section 2.6 of the Code of Ethics for the following reasons.

- 1. The scene in the advertisement where the juvenile friend uses tongs to cook sausages in a toaster is presented in a "tongue-in-cheek" and light hearted manner displaying behaviour that is clearly not intended to be repeated.*
- 2. To reinforce this point, the voiceover during this scene specifically states that the juvenile friend is "dangerous to be around", therefore clearly noting to viewers that this behaviour is unacceptable. The images depict sparks and smoke protruding from the toaster resulting from cooking sausages in the toaster, which emphasises that what he is doing is unsafe. That said, the juvenile friend is using silicone tongs (as opposed to metal tongs) and is not shown putting them in the toaster. The only thing that is dangerous is both named as being dangerous and clearly portrayed as being dangerous.*
- 3. This particular scene lasts approximately 4 seconds in the context of a 30 second advertisement.*
- 4. The thrust of the advertisement is that the behaviour engaged in by the juvenile friend is irritating to his peers and in some cases dangerous and destructive. That the behaviour is not condoned or encouraged is evident in all scenes in the advertisement where our hero looks on disapprovingly at his friend's behaviour and in the final scene where both the hero and his girlfriend observe the juvenile friend's behaviour with a sense of bewilderment and surprise. We note that the ASB has previously dismissed complaints regarding advertisements where advertisements do not condone or encourage unsafe behaviour (see Case Numbers 0212/11 and 0100/11).*
- 5. Each scene in the lead up to the final scene shows the juvenile friend engaging in some activity which tries the patience of our hero which is then juxtaposed in the final scene by our hero arranging for a jumping castle to keep his juvenile friend safe and entertained.*
- 6. The Dare Advertisement is promoting a coffee-based milk drink which is not aimed at children. The target audience is young adults.*
- 7. The Dare Advertisement portrays conduct of an immature person in the age group of the target audience and uses humour and situations that members of the target audience would relate to or have experienced. No children are depicted in the Dare Advertisement nor do we consider the activities of the protagonists to be particularly attractive to children.*
- 8. A number of advertisements on television depict bad behaviour such as driving recklessly and causing damage or disturbance. Provided the context of the television commercial does not condone or encourage the bad behaviour or suggest that it is acceptable, we respectfully submit that advertisements of this nature are not contrary to Prevailing Community Standards on safety. We submit that they are in fact in line with Prevailing Community Standards on safety.*

9. We also consider the fact that the ASB has only received one complaint about the Dare Advertisement in circumstances where it has been viewed by approximately 13.882 million people (as estimated by the media buyer), is indicative that reasonable members of the audience understand the message being communicated in the Dare Advertisement.

10. The advertisement carries a Commercials Advice rating of PG and was only broadcast at PG-appropriate timeslots, predominantly between 6:00pm and 10.30pm. It is unlikely to be watched by young children and its cast, humour and references are not designed or likely to appeal to children generally.

In view of the above, we respectfully submit that the complaint should not be upheld as the Dare Advertisement complies with the provisions of the Code of Ethics.

Other aspects of the Advertising Codes

We note that the ASB will consider the advertisement in its entirety against section 2 of the Code of Ethics as well as against the AANA Code for Advertising and Marketing Communications to Children (Children's Code) and the AANA Food and Beverages Marketing and Communications Code (Food and Beverages Code).

In this respect, we consider that none of the other provisions in section 2 of the Code of Ethics apply to the Dare Advertisement.

The ASB has indicated that the complaint raises issues in relation to section 2.6 of the Code of Ethics. It follows by the operation of section 2.4 of the Code of Ethics that the Children's Code does not apply to the Dare Advertisement.

In any event, we do not consider that the Children's Code applies to the Dare Advertisement as the Children's Code only applies to advertisements that are "directed primarily to Children", being persons aged 14 years or younger. For the reasons set out above, our advertisement is not directed to children at all and is predominantly broadcast outside of times that children would be watching television and thus would be unlikely to be viewed by children.

We also consider that the Dare Advertisement does not breach the Food and Beverages Code.

Conclusion

For the reasons set out above, we do not consider that the Dare Advertisement is contrary to prevailing community standards or is in breach of any AANA Code given that the advertisement is discouraging unsafe behaviour and explicitly states that the behaviour is dangerous. Further, the advertisement is not directed at children and Dare Iced Coffee is not a children's product or marketed towards children.

Thank you for taking the time to consider our response, we look forward to receiving the ASB's determination in 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 a dangerous activity, namely cooking sausages in a toaster.

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

The Board 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 the depiction of a man cooking sausages in a toaster and attempting to remove them from the toaster with silicone tongs.

The Board noted that safety around electrical appliances is an important public safety issue. A minority of the Board considered that the depiction of the man attempting to remove an object from a toaster with tongs (silicone or otherwise) is a depiction of behaviour that is unsafe and therefore breaches section 2.6 of the Code.

However, the majority of the Board considered that the depiction of the man cooking sausages in a toaster, whilst not a clever thing to do in a real life situation, is presented in a farcical way in the advertisement and is clearly described as ‘dangerous’. The Board considered that the use of silicone tongs would be safe in such a situation, and that the use of the silicone tongs, combined with the description of the activity as dangerous and undesirable gives an overall impression that the behaviour should not be copied. The Board considered the light hearted nature of the advertisement clearly depicts the activity as one that is not appropriate, and that the advertisement in no way encourages viewers to copy this behaviour. The majority of the Board noted that the advertisement is rated PG and is therefore unlikely to be viewed by small children without parental supervision. The majority of the Board considered that the advertisement did not depict material contrary to prevailing community standards on safety.

The Board also noted the image of the man kicking over a television while playing guitar. The Board noted that this image is of the man accidentally kicking the television while engaged in an activity (in an overly boisterous manner) and is accompanied by the voiceover stating that you need to keep your ‘mate away from your gadgets.’ The Board considered that the image of the television being kicked is clearly portrayed as an accident and not as behaviour that is condoned or to be copied.

Based on the above, the Board determined that the advertisement did not depict material contrary to prevailing community standards on health and safety and did not breach Section 2.6 of the Code.

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

