



Case Report

1	Case Number	0351/11
2	Advertiser	Smith's Snackfood Co Ltd The
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

A fireman gives a mock safety warning about the strength of Doritos and then uses an axe to break in to the fridge of a servo and pours some Pepsi Max into the mouth of a man who has just eaten some Doritos.

The words "Cool the Burn" appear on screen.

THE COMPLAINT

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

- 1. The use of a fire fighter as a spokesperson for this product is completely insensitive to the people who lost their lives in the Black Saturday and other fires which have occurred.*
- 2. The fire fighter is portrayed in a relatively serious way - not spoof enough to be considered a comic role. His uniform looks genuine he smashes the fridge as a serious fire fighter would. Hence it shows a lack of respect for the dangerous and important work fire fighters do for the community particularly in a country so at risk from bushfires.*
- 3. The ad opens with a line about it being a "serious fire safety alert" which is alarming and will give viewers a shock. This is clearly a ploy to get viewers to sit up and watch the ad however this type of fire alert message is not something that should EVER be joked about. Any "fire alert" on television should be saved for when it is really necessary. Surely there is a better creative solution to advertising this product. This ad is generally offensive to anybody who cares about the work that fire fighters do and for anyone who has been involved in a fire. This is a lazy ad that is not funny in any way shape or form.*

Surely we should not be encouraging such violent destruction for the purpose of illustrating the "burn" of Doritos Corn Chips. I would appreciate your consideration of this matter especially in the wake of the recent destruction and looting in England.

For the first 30 seconds or so of this advertisement the man dressed as a fire fighter appeared to be giving advice in relation to fire safety. I was highly offended (and many of my friends and family too) to this advertisement after the events of Black Saturday in 2009 I paid full attention to this ad thinking that it was a government sanctioned message about fire safety (the words fire safety are used in the advertisement). When it was revealed to me and the people I was sitting with that this was in fact an ad for a commercial brand of soda we were devastated and frustrated that an advertising company would play off the seriousness of fire to advertise their product. One of my friends (who I was watching TV with) started to cry because she'd lost a family member in Black Saturday and was just as disgusted as I was with this advertisement. It's such a big issue for Australians especially. An ad which degrades the seriousness of fire safety should not be aired on our channels.

Our country recently lost many lives in the largest and most devastating fires in Victoria and I believe that the subject of fire safety is one which should not be trivialised or used for a pathetic and sick sense of humour which should not be allowed to be used especially so soon after so many people lost loved ones and our country was scarred.

Most inappropriate during the news timeslot especially for younger viewers.

In the advertisement someone is dressed up as a fireman and the advertisement is designed to look like a fire safety warning. The Fireman tells people to use Pepsi to put out fires and indicates the best way to get it is to use an axe to smash the fridge rather than just use your hand to open the fridge.

My main concern with this type of advertising is that I have small children that have been learning about fire safety in school (Kindergarten and Pre-Primary).

As an adult I can see to amusing side to this advert (although I still don't like it and suggest milk or cucumber to be far better at providing relief from chilli burn) But I am forever having to explain to my children that they should ignore advertising on TV That is not a real fireman That is not a real fire safety message Do not smash the fridge Pepsi is not for putting out fires or even that good for chilli burn and that a LOT of adverts on TV lie or at best deceptive.

Please remove this advert from your station at once and don't play anything similar again.

THE ADVERTISER'S RESPONSE

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

To put the advertisement in context, the commercial referred to in the below ASB complaints was part of a campaign including television (30 second & 15 second), outdoor and online used to support the "Cool the Burn" integrated product launch. Central to the campaign was the simultaneous release of two limited edition flavours – Doritos Burn chilli flavoured corn chips and Pepsi Max Ceasefire Lime - which were specifically designed to work together.

We assure you that in developing this commercial it was the Company's intention to entertain viewers, not offend them. The tone of the advertisement is humorous - the use of an "over the

top, larger than life stereotypical buff and handsome fireman” is a thematic device used not to make light of an important fire safety message, but to represent that Pepsi Max Ceasefire lime puts out the fire of Doritos chilli flavoured chips. We believe that our Fireman character makes it clear that it is the product that creates the fire “creating dangerously high temperatures - in your mouth”. No references are made to real fires and the smashing of the fridge is done in a comedic way – with no one being hurt.

We can assure the Bureau, PepsiCo and its partners certainly take fire safety very seriously and were in no way trying to portray a real fire safety message. The primary take out from consumers is reflected in the comments we have received via social media. The majority of consumer comments on You Tube and our Face Book pages mention the humorous nature of the advertisement and that, in fact, the corn chips are not hot enough. This said, we can certainly appreciate the diverse range of viewers we have - and once again assure the Bureau that in no way was this commercial intended to be insensitive to those that may have suffered in the Black Saturday tragedy.

Further, during the development of the commercial we did share both the concept and the script with the NSW Fire Department. They responded by stating that as we were clearly not requesting NSW Fire and Rescue’s involvement or resources - and were not attempting to realistically portray NSW Fire and Rescue fire-fighters (as the spot is clearly and deliberately written in a fictional and humorous way) that they therefore did not need to formally ‘approve’ the script – as they are not a censorship body nor a regulatory authority. The campaign commenced on w/c 31st July and ran for until w/c 21st August and included the following coverage:

- Metropolitan & Regional Free to air – Networks 7, 9 & Ten*
- Subscription TV – MTV, MTV Classic, MTV Hits, Comedy Channel, Channel V, Discovery, Discovery Max, ESPN, Fox Sports 1 & 2, Fox Sports News*
- Online Catchup TV – Yahoo!, NineMSN, Ten, YouTube (Pepsi Australia & Doritos Australia video channels)*

At this point in time there are no plans to re-run the advertisement.

The advertisement received CAD approval and was given a “W” rating. The target audience for the advertisement was people 18-39. In scheduling the placement of the “Cool The Burn” TVC we were mindful of the “W” rating guideline as well as our commitments under the AFGC Responsible Children’s marketing Initiative and the advertisement was thus not placed in programs that were promoted for viewing by children or likely to attract substantial numbers of children.

We have a responsibility to ensure our advertising and promotion meets appropriate community standards and we believe that we have met those standards with this commercial. We are familiar with the AANA Advertiser Code of Ethics and use the code in developing our advertising. In this instance we do not believe that the “Cool The Burn” commercial in question is in breach of the code.

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 is insensitive to those who have lost loved ones in fires, makes fun of fire safety and depicts unnecessary vandalism.

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 advertisement opens with a fireman giving what appears to be a fire safety warning until it becomes clear he is referring to the effects of eating hot Doritos chips. The Board considered that parodying a fire safety warning would be considered inappropriate by some members of the community and agreed that this is insensitive to people who have lost loved ones in the Black Saturday bushfires as well as other fires. Whilst the Board considered that the advertisement could be upsetting to some members of the community, the Board considered that the analogy to fire safety did not undermine fire safety messages and therefore did not depict material contrary to prevailing community standards on fire safety.

The Board then noted the complainants' concerns about the portrayal of vandalism in the advertisement where the fireman uses his axe to smash open the refrigerator door to access a Pepsi Max drink. The Board noted that the advertisement has a comic tone in that the fireman is overstating the seriousness of the issue of the Doritos being so hot that you need Pepsi Max to cool down your mouth. The Board considered that whilst it was not necessary to smash the glass with the axe, in the Board's view the humorous tone of the advertisement, as the playing out of a mock emergency fire situation, negates the act of vandalism. The Board considered that it is usual for a fireman to use an axe and that the advertisement does not encourage members of the community to copy the actions of the fireman and does not endorse or condone the use of an axe to access a refrigerator.

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.