



Case Report

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| 1 | Case Number | 0354/14 |
| 2 | Advertiser | Coca-Cola Amatil |
| 3 | Product | Food and Beverages |
| 4 | Type of Advertisement / media | TV - Free to air |
| 5 | Date of Determination | 10/09/2014 |
| 6 | DETERMINATION | Dismissed |

ISSUES RAISED

2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The TVC features the reactions of different children doing all they can to avoid eating a plate of vegetables placed in front of them, from throwing tantrums to hiding under the kitchen table.

A voiceover explains that SPC Baked Beans have a serve of vegetables hidden in them and we see a young girl happily eating them.

THE COMPLAINT

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

One of the boys picks his nose and then puts his finger in his mouth. I am aware children do that sort of thing, but to encourage it is not acceptable. With all the germs and viruses around in this day and age, I would of thought Hygiene would of been a high priority.

THE ADVERTISER'S RESPONSE

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

I refer to your letter regarding the above complaint received by the ASB in respect of an SPC Ardmona Operations Limited (“SPCA”) SPC “Sneaky Veg” television commercial (“TVC”). Adopting the headings set out in your letter, set out below is SPCA's response.

SPCA seeks to ensure that, at all times, it complies with the AANA Advertiser Code of Ethics (the “Code”). SPCA wishes to note at the outset of this letter, that it would like to work with the Advertising Standards Board (the “ASB”) to resolve any concerns that the ASB may have.

Description of the Advertisement

The TVC features the reactions of nine different children doing all they can to avoid eating a plate of vegetables placed in front of them, in an authentic, relatable style. The children’s natural reactions ranged from throwing tantrums to hiding under the kitchen table.

The TVC is intended to be a light hearted piece of communication highlighting the lengths children go to avoid eating their vegetables.

Complaint

We understand that the Advertising Standards Board has received one complaint regarding a scene in the TVC where a child is seen picking his nose and placing his finger in his mouth while faced with a serve of vegetables.

By way of background, the TVC was developed to promote the new SPC “Sneaky Veg” range of products which have the key benefit of offering a serve of vegetables in a format where the vegetables are not generally discernible. The TVC seeks to portray the challenge of encouraging a young child to eat their vegetables and to offer a solution to this challenge through the SPC “Sneaky Veg” product.

The scene subject to the complaint was not scripted nor encouraged, but a real and natural response when a child was faced with the prospect of eating a meal of vegetables.

Given the target audience (being parents of young children), the TVC (including the particular scene subject to the complaint) was intended to inject a bit of fun that mums and dads can directly relate to.

We understand that section 2.6 of the AANA code provides that:

2.6 Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

Consistent with SPCA’s agenda to promote healthy food options for Australian families, this TVC is primarily directed at encouraging healthy eating patterns in young children and offering parents a desirable alternative to enable their child to consume a serve of vegetables at mealtime.

We have reviewed the AANA 2013 Code of Ethics Practice Note in respect of section 2.6 of the Code and understand that there is an obligation on advertisers to take care not to depict unsafe practices or behaviour that children may imitate. It is our view, following a review of the Practice Note, that the scene subject to the complaint does not depict an unsafe practice

or any behaviour of the nature contemplated by section 2.6 of the Code.

We therefore respectfully submit that the scene subject to the complaint does not breach Section 2.6 of the Code. We believe that this interpretation is consistent with the AANA 2013 Code of Ethics Practice Note.

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 complainant’s concern that the advertisement depicts a young boy putting his finger in his nose and then in his mouth.

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

The Board considered 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 features various children avoiding eating the vegetables they are presented with.

The Board noted the scene where a young boy can be seen putting his finger in one nostril and then his mouth. The Board noted the advertiser’s response that this scene was not scripted and the child reacted in a real and natural manner to the plate of vegetables placed in front of him.

The Board noted in the current advertisement that the boy is not shown to touch the food after touching his nose and considered that the plate of food is not intended to be shared with others.

The Board noted it had also recently considered complaints about a man picking his nose in case 0276/14 where:

“The Board noted complainants’ concerns regarding the unhygienic action of picking ones nose and wiping the contents on the door trim.

The Board noted that although the action is in poor taste, nasal mucus is a bodily function that occurs in everyone and is not isolated as a form of contagion”.

The Board noted in the current advertisement that we do not see the contents of the boy’s nose and considered that his actions are consistent with those of a young child and do not pose a health risk either to the boy or to anyone else.

Consistent with its previous determinations the Board considered in this instance that the depiction of a boy putting his finger in his nostril and then in his mouth is not a depiction contrary to prevailing community standards on health and safety.

The Board determined that the advertisement 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.

