



Case Report

1	Case Number	0362/13
2	Advertiser	Murray Goulburn
3	Product	Food and Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	23/10/2013
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

- 2.1 - Discrimination or Vilification Disability
- 2.3 - Violence Bullying

DESCRIPTION OF THE ADVERTISEMENT

We see a mum at a child's birthday party who is helping out by preparing some cheese sandwiches in the kitchen. She is struggling to separate the cheese slices since they are stuck together in one block. As she becomes frustrated she looks up to see a young girl with a one eyed doll who is waiting for a cheese slice sandwich. She tells the girl 'Why don't you go outside... and take little 'Cyclops' with you.' At this point a boy with an eye patch who is standing next to the girl responds, "I'm not little". The boy's mother then responds by explaining that her son has a lazy eye. The mum making the cheese slice sandwiches then realises the awkward situation that she has found herself in and explains, "I wasn't talking about him".

THE COMPLAINT

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

As a vision specialist working with the Royal Institute for Deaf Blind Children I was thoroughly disgusted with the advert. Missing an eye is a serious condition called anophthalmia and wearing a patch to correct a turned eye or strabismus is totally different. Neither of which should ever be mocked in any way but especially not on TV. I was offended by the advertisement because it is at the expense of a young boy wearing an eye patch. I have two young children with eye patches and find it offensive to imply that children with eye patches are cyclops. It also encourages discrimination and bullying against

children who wear eye patches.

My grandson wears an eye-patch and hates it. He feels like a one eyed monster and does not need to see a woman on TV calling another child with a patch names. The whole ad revolves around the misunderstanding that the woman called the boy "cyclops". The boy in the ad responds as if she was talking about him.

Patching is a very sensitive issue for all members of families involved in it and this is very bad taste. It doesn't relate to cheese but just seems to want to make children already stressed by having to wear eye-patches feel even more unhappy and freaky, and their parents who live through the trauma of having to patch their children upset.

THE ADVERTISER'S RESPONSE

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

The concerns raised by the complainant relate to Section 2 of the AANA Advertiser Code of Ethics.

Section 2

2.1 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.

2.3 Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

The "Cyclops" TVC in question is part of a broader campaign of seven TV commercials for the Devondale brand that are on air from August 2013. The other ads features are called "Glowgirl"; "Cat Lady"; "Jumpers"; "Stepdad Steve"; "Sunshine Bubble" and "Man Child".

All spots in the TV campaign were intended to be humorous and not to be taken literally. The use of humour and exaggeration is consistent across all ads. Therefore, the intent of the whole campaign is to provide a light touch and engage the viewers on the basis of humour and to promote Devondale's range of products.

With reference to the "Cyclops" complaint on the 9th October, please note:

2.1 Discrimination or Vilification Disability

2.3 Violence Bullying

- The mother was always intended to be the focus of the ad. It was not the intent of the ad to portray the little boy as a victim where we make fun of his disability. In fact, when you watch the ad you will see that the doll is called "creepy little Cyclops", not the child. Furthermore, the child with the eye patch responds in a confident/defiant way and his mother and the surrounding parents all come to his defense showing that he clearly isn't the victim. The casting requirements for the little boy talent were specifically briefed to make sure he wasn't portrayed as a victim and was cast as self-assured and assertive. The boy had the last comment in the exchange and clearly stood up for himself.*

- In addition, it certainly was not the intent of the ad to encourage bullying. As noted above, the comment about 'little Cyclops' was not directed at the boy and the mother even says "I wasn't talking about him" which further demonstrates that the mother is the victim in this situation, not the child.*

- The term "Cheese Slice Rage" demonstrates that we are using exaggeration as the vehicle*

for humour. There have actually been quite a lot of positive responses to this campaign and appreciation of the humour. See below for some verbatims:

- *Cheeses slice rage devondale ad - hilarious - #devondale #cyclopsbaby (twitter)*
- *Ha ha ha ha ha ha ha! I just saw your 'cyclops' ad – classic! (Facebook)*
- *I laughed so much my eyes were watering. Brilliant. (Facebook)*
- *One of the best ads ever (Facebook)*
- *I personally did not find offense to your 'Cyclops' ad and found it quite amusing. I have a daughter who wears glasses and may possibly patch in the future (email to Devondale Customer Service)*
- *I watched a @DevondaleFarms cheese ad and I can't stop laughing it was so good (Twitter)*
- **This user did clarify later that he was talking about the 'Cyclops' ad.*
- *Even the 'complaints received to date' recognize that the doll was in fact called 'little cyclops' not the boy. We believe that it will be clear to the majority of the Australian population what is happening in the ad. This is especially true upon multiple viewings of this ad where it becomes more apparent exactly what is happening, which helps to correct what might have been a misconstrued first impression.*

Both the creative advertising agency DDB and the advertiser Devondale are strong supporters of self-regulation and the AANA Codes of Ethics.

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 inappropriate and harmful to children who suffer from conditions that may affect their vision and is likely to encourage discrimination, and bullying and tormenting of children who may have to wear a patch

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

The Board 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 Board noted that the advertisement features a woman in the kitchen of a home as a child’s birthday party is underway. The woman is trying to separate some cheese slices to make sandwiches as a young girl watches her. The girl is holding a doll that is missing an eye. The woman explains that the sandwiches are not ready and says to the girl that she should go outside for a while. A young boy arrives next to the girl and he has one eye covered with a patch. The voice over then refers to the product being promoted “Devondale, easy peel slices.”

The Board noted the advertiser's response that the advertisement has an intended audience of grocery buyers and highlights the frustration that can be experienced trying to separate cheese slices and an alternative so that 'cheese rage' can be avoided. The Board noted that this advertisement was part of a broader range of advertisements for Devondale products with a similar humorous style and storyline.

The Board noted that the woman in the advertisement experiences an awkward and embarrassing moment when she speaks to the young girl about taking her 'one eyed doll' outside until the sandwiches are ready. The woman refers to the doll as 'Cyclops.' The Board noted that it is evident that the woman is referring to the doll and not to the young boy, however they also noted that the boy is standing beside the girl with the doll as the woman makes the statement regarding Cyclops. The Board noted that the woman was reprimanded by the boy for calling him 'little' and also by the mother of the boy who had assumed that she had referred to her son as Cyclops. The Board noted that the entire room was horrified by her actions.

The Board noted that the use of the term Cyclops is derived from a Greek mythological giant who had only a single eye in the middle of his forehead.

The Board recognised that there is a genuine community concern regarding the vilification of children and adults who have physical disabilities.

The Board also acknowledged that there are members of the community who have personal experiences that involve children who suffer from eye trauma and conditions that impair their vision and in some situations the children wear a patch to assist with their condition. A minority of the Board considered that most members of the community would recognise the humour in this advertisement, which was consistent with the other advertisements in this series and understand the frustration that the woman was feeling and that the advertisement was playing on the awkward moment where the woman was misinterpreted. The minority of the Board considered that it was clear that the woman had not been talking about the boy and that there was no negative treatment of the boy or of people with a physical disability in the advertisement.

The majority of the Board considered that the advertisement features a woman making what is perceived as a negative and disparaging remark about a child wearing a patch over one eye. The Board considered that the portrayal of the woman being frustrated and directing that frustration toward young children was inappropriate and in connection with the use of the term "freaky little Cyclops," did amount to word and actions that were hurtful and a clear reference to the presence of only one eye.

The majority of the Board considered that this depiction, even if seen as accidental, of an adult making such a comment can contribute to negative attitudes toward people with this condition or at least to other people making similar jokes at the expense of people with an eye disability. The majority of the Board considered that although the woman did appear

embarrassed, her words and actions, taken in the context of the young boy with an eye patch were a negative comment about a child with a physical disability and did amount to a depiction that vilified a section of the community on account of a disability.

Based on the above the Board determined that the advertisement did depict material that vilified a section of society and determined that the advertisement did breach Section 2.1 of the Code.

The Board then 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 has considered that concerns about possible emotional or psychological bullying are suitably considered within section 2.6 of the Code relating to community standards on health and safety.

The Board noted that the young boy was upset by thinking he had been called “little” as opposed to any references to his eye patch and that his mother quickly comes to his aid.

The Board noted that the actions and words of the woman are misinterpreted, that she clearly shows regret for what has happened and that her comments are depicted as inappropriate by the other adults in the room.

The Board considered that the incident is portrayed as behaviour that is inappropriate. The Board considered that the depiction did not encourage or condone bullying and did not present the behaviour in a positive manner.

The Board considered that the depiction was not material that was contrary to community standards on health and safety relating to bullying and that it did not breach section 2.6 of the Code.

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

ADVERTISER RESPONSE TO DETERMINATION

The advertising will be off air after 3rd November 2013. The advertising will be modified before it is run again.

