



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0370-19
2. Advertiser :	Chatime
3. Product :	Food/Bev Venue
4. Type of Advertisement/Media :	Outdoor
5. Date of Determination	13-Nov-2019
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification
AANA Code of Ethics\2.2 Exploitative or Degrading

DESCRIPTION OF ADVERTISEMENT

This outdoor advertisement features an image of a woman holding a cup and the text "My first Chatime "I didn't know my cup size"".

THE COMPLAINT

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

It is sexist and degrading to women. I do not want my son to think that jokes like this are acceptable

THE ADVERTISER'S RESPONSE

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

Our 'My First Chatime' campaign was developed to try and encourage consumers to try our products for the first time. Hence why the campaign is called "My First Chatime".



All of the hero lines under “My First Chatime” ads reflect customers experience, confusion or where they were when they tried Chatime for the first time. Our product is a little weird, but delicious. We wanted to own our customers first time weird experiences.

The line “I didn’t know my cup size” depicts a woman holding a large cup. The large cup is labelled clearly stating that the drink she is holding is a large tea of her choice. I’m not sure how this can be deemed offensive.

On Chatime’s behalf, we never meant to offend anyone. Our sincere apologies.

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 concerns that the advertisement is sexist and degrading to women.

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

The Panel 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 Panel noted the Practice Note to Section 2.1 provides the following definitions:

“Discrimination – unfair or less favourable treatment.

Vilification – humiliates, intimidates, incites hatred, contempt or ridicule.”

The Panel noted the complainant’s concern that the advertisement is sexist.

The Panel considered that the advertisement features the double entendre of ‘I didn’t know my cup size’ and considered that this could be interpreted to mean both the woman’s bra size or the size of her Cha time cup.

The Panel considered that the overall impression of the advertisement was that the woman’s first time drinking the beverage she didn’t know what size drink she wanted. The Panel considered that this impression did not humiliate or ridicule the woman, and did not depict the woman receiving unfair or less favourable treatment.

The Panel considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on



account of gender and determined that the advertisement did not breach Section 2.1 of the Code.

The Panel considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: “Advertising or Marketing Communication shall not employ sexual appeal... in a manner which is exploitative or degrading of any individual or group of people.”

The Panel noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:

Exploitative - (a) taking advantage of the sexual appeal of a person, or group of people, by depicting them as objects or commodities; or (b) focussing on their body parts where this bears no direct relevance to the product or service being advertised. Degrading – lowering in character or quality a person or group of people.

The Panel first considered whether the advertisement used sexual appeal.

The Panel considered that the woman in the advertisement was wearing a shirt and that her chest area was covered by her shirt, her hair and her holding the drink. The Panel considered that while there was mild innuendo in the advertisement, the woman was not depicted in a sexual manner and that the advertisement did not contain sexual appeal.

The Panel determined that the advertisement did not employ sexual appeal and therefore did not breach Section 2.2 of the Code.

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 advertisement is on outdoor posters, and the audience would be broad and would include children.

The Panel noted it had previously considered another advertisement in this series in case 0104/19, in which:

“The Panel considered that the advertisement includes the double entendre of ‘the balls felt weird in my mouth’ however considered that there is a clear explanation of balls being a part of the beverage provided in the imagery of the advertisement.

The Panel noted that in earlier determinations, advertisements which use double entendre, where a non-sexualised explanation of the meaning would be taken away by children, would generally treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience...The Panel considered that the sexualised meaning of the phrase ‘the balls felt weird in my mouth’ could be interpreted by adults to be an innuendo to oral sex, however considered that the most likely explanation of the advertisement for young children would be that the balls included in the beverage felt strange when drinking the product.”



Similar to the previous case, in the current advertisement the Panel considered that the advertisement does include a double entendre about first times and cup sizes, however there is a clear explanation that the woman is referencing her first Cha Time beverage. The Panel considered the phrase clearly stated 'my first (Cha) Time', had Cha Time branding and depicted the woman drinking a Cha Time beverage. The Panel considered that the sexualised meaning of the reference to first times may be understood by adults, however considered that the clear overarching message is of drinking the product and that the most likely explanation of the advertisement for young children would be that the first time the woman ordered Cha Time she didn't know what size she wanted.

The Panel considered that the advertisement did treat 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.