



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

|   |                              |
|---|------------------------------|
| <b>1. Case Number :</b>                 | <b>0410-19</b>               |
| <b>2. Advertiser :</b>                  | <b>Treasury Wine Estates</b> |
| <b>3. Product :</b>                     | <b>Alcohol</b>               |
| <b>4. Type of Advertisement/Media :</b> | <b>TV - On Demand</b>        |
| <b>5. Date of Determination</b>         | <b>11-Dec-2019</b>           |
| <b>6. DETERMINATION :</b>               | <b>Dismissed</b>             |

### ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

### DESCRIPTION OF ADVERTISEMENT

This TV On Demand advertisement for Squealing Pig Wines takes place on a hand painted set and depicts a man relieving himself in the ocean with the man being caught by a shark and ending up in its stomach. The voiceover states "This little pig went wee wee wee. He did it in the hot tub. He did it in the swimming pool. He did it in the ocean. Until the day he was caught.

### THE COMPLAINT

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

*It is offensive & promotes anti social, irresponsible & unhygienic behaviour as humorous.*

### THE ADVERTISER'S RESPONSE

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



*Thank you for giving Treasury Wine Estates (TWE) the opportunity to respond to the Ad Standards complaint reference number 0410-19 regarding the Squealing Pig 'wee wee wee' TV commercial (TVC).*

*The complaint alleges that the TVC: 'is offensive and promotes anti-social, irresponsible and unhygienic behaviour as humorous'.*

*The complaint raises issues under Section 2 of the AANA Code of Ethic (Code), the key issue being the allegation that it depicts material contrary to Prevailing Community Standards on health and safety under section 2.6.*

*As we have been asked to address all parts of Section 2 of the Code, our responses in relation to each section are set out below.*

- 2.1 - Discrimination or vilification - In TWE's opinion, the TVC does not contain material that is discriminatory or that vilifies any section of the community.*
- 2.2 - Exploitative and degrading - In TWE's opinion, the TVC does not contain material that is exploitative or degrading of any individual or group.*
- 2.3 – Violence - In TWE's opinion, the TVC does not contain material that is violent.*
- 2.4 - Sex, sexuality and nudity - In TWE's opinion, the TVC does not contain material that is sexual in nature.*
- 2.5 - Language - In TWE's opinion, the advertisement does not contain inappropriate, strong or obscene language.*
- 2.6 - Health and Safety - In TWE's opinion, the TVC does not depict material contrary to Prevailing Community Standards on health and safety for the following reasons:*
  - The TVC forms part of a series of 5 TVCs based on the well-known 'this little pig' rhyme which are intended to be light hearted and quirky in nature – consistent with the nature of the Squealing Pig brand. The TVC relates to the story of the fifth little pig ('this little pig went wee wee wee'), however with an irreverent spin. The TVC in this series are not intended to be taken seriously or literally – it is TWE's view that most audience members would understand this.*
  - The TVC features a highly fictional, stylized depiction of our main character relieving himself between some 'waves' – which are intended to represent the ocean. Further to this, the final scene shows the main character sitting inside a shark's stomach, which is clearly not a real life scenario.*
  - We disagree that the TVC encourages unhygienic, irresponsible or otherwise anti-social behavior. We acknowledge that the script mentions that 'he did it in the hot tub, he did it in the swimming pool' – but it does not contain any reference to urinating in public bathing facilities.*
  - ABAC has reviewed and approved the TVC, which was pre-vetted by TWE (before publication) as part of our strict internal compliance process. ABAC did not raise any health or safety concerns under section 3(d) of the ABAC Code.*
  - Given the above, we believe that the ad is consistent with the Code and, in particular, that it does not contravene Prevailing Community Standards on health and safety.*
- 2.7 – Distinguishable as advertising – the TVC is clearly distinguishable as advertising given the branding and product is prominently displayed at the beginning and end of the TVC.*



*TWE is familiar with the requirements of the Code and has internal guidelines (in the form of a Responsible Marketing Handbook which specifically refers to the Code) to assist our sales, marketing and communication teams to develop marketing campaigns that meet TWE's Responsible Marketing Guidelines. These teams are also trained regularly on responsible marketing. This TVC was assessed by TWE in accordance with these guidelines.*

*Thank you for considering our response.*

*Please note the media has been bought as a connected TV buy rather than via the networks as a free-to-air buy therefore we do not require CAD approval so no CAD reference number or rating is applicable.*

## **THE DETERMINATION**

The Ad Standards Community Panel (Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement talks of urinating in public, in a pool or the ocean, and that this is unhygienic.

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

The Panel 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 Panel considered that the advertisement makes no specific reference to urinating in public but rather implies that the man is urinating while in various socially unacceptable situations including in a hot tub and in a pool and also while swimming in the ocean.

The Panel considered that regardless of people's views on whether or not it is appropriate to urinate in a pool, hot tub or the ocean – such behaviour would not be considered to be contrary to prevailing community standards on public health or safety.

The Panel considered that most members of the broader community would likely recognise the intended humour of the advertisement, its unrealistic content and its relation to the 'this little pig' nursery rhyme. The Panel considered that whether or not the behaviour suggested in the advertisement is anti-social or irresponsible it does not breach any specific provision of the Code.



The Panel considered that the inference of a man urinating in socially unacceptable situations the ocean was not depicting material contrary to Prevailing Community Standards on health and safety.

The Panel 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 Panel dismissed the complaint.