



Case Report

1	Case Number	0416/10
2	Advertiser	Kellogg (Aust) Pty Ltd
3	Product	Food and Beverages
4	Type of Advertisement / media	Pay TV
5	Date of Determination	13/10/2010
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.8 - Food and Beverage Code untruthful/dishonest
2.1 - Discrimination or Vilification Other

DESCRIPTION OF THE ADVERTISEMENT

As a milkman is leaving a pint of milk on the doorstep of a house, the door opens and the milkman finds himself looking at the feet of the householder. They are wearing fluffy open toe mule slippers, and as the camera pans up the body (showing varicose veins and hairy forearms) we see that the householder is wearing a silky nightie and gown and is very heavily made up. They are playing with the collar of the gown and appears to have moustache stubble.

The householder says, in a deep voice, "Good morning, Johnny. Wanna join me for breakfast? Grrrrrr." and in response, Johnny appears taken aback.

A male voice over then describes Crunchy Nut cereal as irresistible, and Johnny sees a box of the cereal sitting on the breakfast table.

Johnny then says, "Yes. I'd love to. Ma'am." and enters the house.

The final male voice over states, "Well, they are irresistible!".

THE COMPLAINT

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

The implication of this ad is that Crunchy Nut Cornflakes are so good people will do anything to get them even going to the extreme length of socialising with a transsexual. The transsexual individual in this ad is represented as an obstacle the protagonist must overcome to achieve his goal and the focus of this ad - Crunchy Nut Cornflakes.

The transsexual is depicted in a grotesque manner, in extreme close up, with emphasis on hairy moles and other such features that reinforce the idea of the transsexual as an object of disgust, something only Crunchy Nut Cornflakes can negate. The actor and wardrobe selection for this character is clearly intended to drive this point home via shock value; the actor is obviously male and oh lord! Wearing a dress! The horror! Thank God for Crunchy Nut Cornflakes, right?

THE ADVERTISER'S RESPONSE

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

The aim of the Advertisement is to present in a humorous way that the taste of Crunchy Nut Corn Flakes breakfast cereal is so irresistible that a milkman delays delivering milk so as to spend time with one of his customers enjoying a bowl of Crunchy Nut Corn Flakes despite first being taken aback by that customer's appearance.

Complaint

We note that the Complainant alleges the Advertisement breaches section 2 of the AANA Advertiser Code of Ethics (Advertiser Code of Ethics) and section 2 of the AANA Food & Beverages Advertising & Marketing Communications Code (Food & Beverages Code).

We also note that the Complainant makes the following comments with regard to the Advertisement:

- *The Advertisement implies that Crunchy Nut Corn Flakes are so good that people will go to the extremes of socializing with a transsexual;*
- *The Advertisement reinforces the idea that transsexuals are an object of disgust.*
- *The actor and wardrobe of the actor is intended to create shock value;*
- *Despite the delivery man's disgust with the situation he'll do anything and put up with anything to get access to Kellogg's Crunchy Nut Corn Flakes;*
- *The portrayal of the dressed up person is ugly and is offensive;*
- *The Advertisement vilifies or discriminates against transsexual persons.*

Kellogg's Response

We further note that the Advertising Standards Board:

- *will review the Advertisement in its entirety against section 2 of the Advertiser Code of Ethics;*
- *will review the Advertisement in its entirety against the Food & Beverages Code;*
- *has requested Kellogg to include in its response any relevant issues that may arise if Kellogg considers the product comes within the scope of the AANA Code for Advertising to Children.*

Kellogg does not believe that the Advertisement is in breach of the Advertiser Code of Ethics or in breach of the Food & Beverages Code.

Kellogg does not believe that the Advertisement comes within the AANA Code for Advertising to Children and even if the Advertisement does come within the scope of that Code, the Advertisement is not in breach of that Code.

Advertiser Code of Ethics and Food & Beverages Code

Kellogg does not believe that Kellogg has, in broadcasting the Advertisement, breached sections 1 or 2 of the Advertiser Code of Ethics or section 2 of the Food & Beverages Code.

Kellogg does not believe that its Advertisement is in breach of sections 1.2, 2.1 or 2.3 of the Advertise Code of Ethics. Kellogg does not believe that its Advertisement is in breach of section 2.1 of the Food & Beverages Code.

The Advertisement is a humorous depiction that because Kellogg's Crunchy Nut Corn Flakes breakfast cereal is so irresistibly tasty that despite the milkman's surprise reaction when the door is first opened by a female customer whose appearance includes a number of exaggerated features such as roughly shaven legs showing nicks & scratches, hairy upper lip, large facial moles, lipstick on the teeth and thick black eye brows, the milkman decides to accept the offer to join that customer for breakfast because the taste of Crunchy Nut Corn Flakes is irresistible and thereby delaying delivery of milk to other customers. In accepting the invite for breakfast the milkman does so by showing the utmost respect to that customer by his mannerism and verbal response of ""Yes I'd Love to. Maam"". In other words the milkman accepts the customer for who she is.

Kellogg notes that the Complainant has described the customer as "actor and wardrobe selection for this character is clearly intended to shock value; the actor is obviously male,wearing a dress."

The actor is in fact a female actress and not intended to be portrayed as transsexual or a male dressing up as a female.

The customer depicted in the Advertisement is a female with heavy make-up and some less than flattering features.

It was not Kellogg's intention for the Advertisement to cause humiliation or distress to any section of the community through its depiction of the customer's appearance. Kellogg believes there is nothing contained in the Advertisement that could be construed as discriminating or vilifying transsexual persons or any other person or section of the community.

Kellogg also does not believe that the appearance of the customer is using sexuality to promote its cereal. However even if the overall impression of the Advertisement is to have been using sexuality to promote cereal, (because of the clothing worn by the milkman's customer, the music and the delivery of the invitation to the milkman to join the customer for breakfast), Kellogg believes that Kellogg has treated the sexuality with sensitivity to the relevant audience (adults) and the relevant programming time zone (being PG).

The theme, visuals and language used in the Advertisement is not directed at children, in particular Kellogg notes that the Advertisement and product is directed at adults.

Kellogg takes compliance with the Codes very seriously. Kellogg looks forward to receiving the Board's determination with regard to the Complaint.

Kellogg regrets that the Advertisement caused the Complainant offence, Kellogg believes the Advertisement is a humorous means of delivering the message that the taste of Kellogg's Crunchy Nut Corn Flakes breakfast cereal is irresistible.

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code") and the AANA Food and Beverages Advertising and Marketing Communications Code (the "Food and Beverages Code").

The Board noted the complainant's concerns that the advertisement features a transsexual who is made to look grotesque and suggests that transsexuals are objects of disgust.

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

The Board considered whether the advertisement was in breach of section 2.1 of the Code. Section 2.1 of the Code states: "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, sex, age, sexual preference, religion, disability or political belief."

The Board noted the complainant's concerns that the advertisement vilifies transgender people. The Board accepted that the depiction of the woman could be interpreted as being a transgender person. However the Board considered that the more likely take out from the advertisement is that the person inviting the milkman in is, regardless of sex or gender, not physically attractive. The Board considered that the overall impression of the advertisement was not targeting or depicting any identifiable section of the community and considered that the advertisement did not discriminate against or vilify any person or section of the community on account of sex.

The Board considered that the reference to "crunchy nut" is a reference to a person (in this advertisement the milkman) being such a lover of the advertised product that he will do anything to enjoy it. The Board considered that there was no reference to mental instability or illness of any person in the advertisement and that the advertisement did not discriminate against or vilify people or a section of society on account of disability.

The Board determined that the advertisement did not breach section 2.1 of the Code.

The Board then considered whether the advertisement was in breach of Section 2.1 of the AANA Food and Beverages Advertising and Marketing Communications Code. Section 2.1 of the Code states:

"Advertising or Marketing Communications for Food or Beverage Products ...shall not otherwise contravene Prevailing Community Standards and shall be communicated in a manner appropriate to the level of understanding of the target audience of the Advertising or Marketing Communication.."

The Board considered that the intent and take away message of the advertisement is that the milkman is such a lover of crunchy nut cornflakes that he will have breakfast with a not very attractive person. The Board noted that this advertisement is rated PG and that it is humorous in tone.

The Board considered that this advertisement did not depict any material that is contrary to community standards and did not breach section 2.1 of the Food and Beverages Code.

Finding that the advertisement did not breach any of the codes on any other grounds, the Board dismissed the complaint.

