



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0419/10</b>
<b>2</b>	<b>Advertiser</b>	<b>Woolworths Supermarkets</b>
<b>3</b>	<b>Product</b>	<b>Food and Beverages</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>13/10/2010</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

- 2.8 - Food and Beverage Code      untruthful/dishonest  
2.6 - Health and Safety            within prevailing Community Standards

### DESCRIPTION OF THE ADVERTISEMENT

A man is about to get in to a car, carrying a Woolworths shopping bag. The car is outside a Woolworths supermarket. Another man comes running towards him wearing clothing associated with hippies and waving a tambourine. He calls out to the man about to get in the car, who doesn't look too pleased and says to his wife to start the car.

The man reaches the car and asks if he can "bum a ride". The husband says no, but his wife asks where they can drop him off. The man gets in to the car, smiles at the child sitting on the back seat and then suggests that they make a nice meal out of the organic food the man has just bought from Woolworths.

The following tagline appears on the screen: "You don't have to be a hippy to be healthy. Macro Healthfoods Market. Available at Woolworths."

### THE COMPLAINT

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

*Woolworths - a hippy gent getting into a car uninvited and continues to invites himself into the family home. The next thing we will be allowing deviants to hijack people as an acceptable ad. This is against everything we say about child safety and invasion of people's privacy. Woolworths should be ashamed of themselves for stooping this low to win market share of the supermarket game.*

## **THE ADVERTISER'S RESPONSE**

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

*As stated previously, Woolworths takes its advertisement obligations very seriously. It is Woolworths' submission that the complaint should be dismissed and no further action taken in the matter for the reasons expressed below.*

*The advertisement launched in early September 2010 is a brand advertisement for the Macro Wholefoods Market Range. Macro Wholefoods Market is a range of wellness products exclusive to Woolworths & Thomas Dux stores and includes organic, free range, natural & gluten free products.*

*The advertisement took a light hearted approach to promoting the brand by playing with the concept that you do not have to be a hippy to be healthy. This advertisement was the second of a 2 series advertisement campaign and the hippy is portrayed as a friendly fun loving character.*

*The advertisement was meant to be taken in a light hearted funny way with the humour being that the hippy gets into the car. In series 1, the character meets the father in the store. He is a hippy character so by nature is quite out of touch with reality and not quite the norm. In no way is he portrayed as "deviant" or threatening character. He is not portrayed as harmful in character to any child .*

*It is Woolworths' submission that the complaint should be dismissed and would not be contrary to Sections 2.8 or 2.6 respectively of the Code, if Woolworths was a signatory.*

## **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 hippy entering a car uninvited and goes against child safety and invasion of people's privacy.

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

The Board 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 Board noted that the advertisement features a man dressed in a 'hippy' style being offered a lift by a female driver whilst her husband is making it clear that he would prefer not to give this man a lift. The Board noted the complainant's concern that this man enters the car uninvited however the Board considered that this was not the case and that whilst the husband is clearly not impressed with his wife, his wife has invited the man in to the car.

The Board noted that there is a child on the back seat and that the man gets in to the car to sit next to him. The Board noted that this action is welcomed by the wife and that both she and the child appear happy and relaxed. The Board considered that there were no concerns regarding child safety or invasion of privacy, and that the overall tone of the advertisement is light hearted and amusing.

The Board determined that as the hippy was invited in to the car the advertisement did not depict “material contrary to Prevailing Community Standards on health and safety”

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 as the man is invited into the car by the woman, 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.