



## Case Report

1	Case Number	0433/10
2	Advertiser	National Foods Limited
3	Product	Food and Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	27/10/2010
6	DETERMINATION	Upheld - Modified or Discontinued

### ISSUES RAISED

2.8 - Food and Beverage Code      untruthful/dishonest  
2.2 - Violence Other

### DESCRIPTION OF THE ADVERTISEMENT

A male housemate is preparing a COON toastie when another male housemate grabs it off his plate and starts critiquing the toastie's colour and appearance. He then bites into the toastie and continues to describe the toastie in a food critic tone 'hmmm the flavour just dances across those taste buds'. He then jokingly slaps him on the face, and then runs off with the toastie. There is a third, female, housemate who watches this interaction whilst smiling.

### THE COMPLAINT

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

*As a psychologist who sees the results of poor communication and how it breaks up families there are two reasons: 1: children watching this ad are learning particularly poor ways of communicating to get what they want from someone else; it teaches disrespect and 2. It teaches that it is okay to hit someone. It doesn't matter that the tone of the ad is witty - young children do not have the intellectual ability to understand that they should not do this.*

*Endorses the stereotype of larger 'Bullies' being able to get away with whatever they like through physical intimidation.*

*Get it off please!!! Violence against men is not only okay, it's funny folks! NO!!! Get it off!! While the sending up of the food tasters is funny the hard slap is totally unnecessary and does nothing to add to the impact of the advertisement. It is gratuitous violence and sends the wrong message to viewers that it is OK to slap your friend for no reason at all.*

*Violence towards the male, and the female laughs and hits the table. It is not funny and they both laugh - why?*

*What sort of message are we sending out to the public. What sort of a friend would slap his friend and what does this do for role modeling for younger persons?*

## **THE ADVERTISER'S RESPONSE**

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

*The complaints regarding the COON 'Housemate's' TVC centre around the 'slap' between the two male characters towards the end of the commercial. From the communication received from the Advertising Standards Bureau we understand that the slap has caused some concern amongst a small minority of viewers, as they feel that the action is advocating bullying and violence. Some viewers have also expressed that this action could be particularly damaging and offensive for children.*

*We do not consider that the commercial breaches section 2 of the Code of Ethics.*

*Firstly to address the complaints against bullying and violence;*

- We would like to highlight the fact that this commercial was only ever written, produced and intended to depict a moment of friendly, jocular banter between two housemates over a toasted sandwich. We believe that viewers will understand the commercial in that light.*

- The premise of the entire COONoiseur campaign (as there are three executions in total) is to light-heartedly send-up the serious side of food snobbery and food critics, via an exaggerated humorous critiquing of the COON toastie.*

- When closely observing the intensity of the slap and the response of both characters, it's clear this was done without malice and is rather a reflection of the way these two characters interact with each other. That is, the relationship between the two characters is one of friendship, between two equals. There is no indication of a bullying relationship.*

- The reaction of the third character (the girl) also reinforces the jocular nature of the commercial, as she laughs off the boys' behaviour that she's seen all too many times before.*

*The COON brand;*

- COON is an all natural everyday supermarket cheese with a very down to earth Australian's personality, therefore it was important in our commercials to portray real characters interacting in real, fun, light-hearted manner. The interaction of the male housemates depicts the way two twenty something young housemates would behave when mucking around over something as silly as a toastie. Viewers will relate to the depiction of this behaviour, which we believe is consistent with prevailing community standards.*

- The inclusion of the slap in the Housemates execution was incorporated in the commercial to further demonstrate the exaggeration, fun, natural, light-hearted banter that we're aiming to portray across the campaign, this is particularly important as this tone of voice is reflective of the COON brand and the way consumers engage and interact with the brand.*

*Consequently, when the overall context of the commercial and the character of the COON brand is considered, we believe that viewers will understand the humorous nature of the slap between larrikin mates.*

*In relation to the concern regarding children;*

- *Along with never intending the spot to be taken in a serious manner, the Housemates TVC was also never intended to target children. This is clearly defined by the characters depicted being young adults, the propping of the apartment, the language and the fact that upon receiving CAD approval the spot was given a PG rating, meaning that it would not be aired (and has not been aired) in children specific viewing time. As a result, this commercial is not an Advertising or Marketing Communication for Children as defined in the Code for Advertising & Marketing Communications to Children. Even if the commercial is viewed by children, we believe that it will not cause them any distress or concern as children will readily understand the humour of the scene depicted.*

*In summary, for the reasons given above, we consider that the commercial does not breach Section 2 of the Code of Ethics, including in particular, sections 2.2, 2.4 or 2.6.*

## **THE DETERMINATION**

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

The Board noted the complainants’ concerns that the advertisement depicted assault and condones violence against men as acceptable.

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

The Board considered whether the advertisement complied with section 2.2 of the Code which requires that advertisements “shall not present violence unless it is justifiable in the context of the product or service advertised.”

The Board noted that the advertisement features a man taking his housemate’s toasted cheese sandwich from him and then slapping his face.

The Board noted that it had recently considered a similar case where a female slapped a man around the face with a large fish (370/10). The Board noted that in that case, the slap represented the flavour ‘hit’ of the product, and was not considered to be a violent act. The Board also noted the reaction of the man who had been slapped was to look happy, and that the overall tone of that advertisement was an unreal situation.

The Board noted that it had also considered another case (295/08) which is similar to this one. In the previous case however, although a man was shown apparently slapping a friend in order to describe the taste of a product, the Board noted that the man did not actually slap his friend: he just appeared to. The Board also noted that in case 295/08, the reaction of the man who had been ‘slapped’ was surprise and not pain, and that his overall reaction indicated that he was now able to happily understand the taste of the product.

The Board noted that in the current case, the advertiser’s response states that this advertisement was intended to ‘depict a moment of friendly, jocular banter’. The Board

considered that whilst the tone of the advertisement was humorous up to the point of the slap, the reaction of the housemate to the slap suggested that this action was overstepping the line.

The Board noted the reaction of the female in the advertisement, and noted the advertiser's response that her laughter 'reinforces the jocular nature of the commercial'. The Board considered that the female's laughter was of a mocking tone and was therefore inappropriate.

Based on the above, the Board considered that the violence used in this advertisement was not justifiable in the context of the product or the service advertised, and found the advertisement to be in breach of Section 2.2 of the Code.

The Board then considered the advertisement under the Food Code. Section 2.1 of the Food Code states, "Advertising or Marketing Communications for Food or Beverage Products shall be truthful and honest, shall not be or be designed to be misleading or deceptive or otherwise contravene Prevailing Community Standards..."

The Board considered that the advertisement was not in breach of this Code under Section 2.1, or under any other section of the Food Code.

Finding that the advertisement did not breach any of the Codes on any grounds, the Board upheld the complaint under Section 2.2 of the Code.

## **ADVERTISER RESPONSE TO DETERMINATION**

National Foods will modify the ad by removing the scene that has the "slap" in it.