



Case Report

1	Case Number	0534/17
2	Advertiser	Craveable Brands
3	Product	Food and Beverages
4	Type of Advertisement / media	Internet-Social-FB
5	Date of Determination	06/12/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Occupation

DESCRIPTION OF THE ADVERTISEMENT

The Advertisement features an image divided in half and showing on the left side a bouquet of flowers beneath the words “RIP OFF” and on the right side a Red Rooster Rippa value meal beneath the words “RIPPA VALUE” and the price of the meal.

THE COMPLAINT

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

Offensive because it slanders the floral industry and misleading

This is insinuating that another product and service is of poor value and a consumer rip off. This can have a detrimental impact on the opinions of consumers toward another industry

Because dollar for dollar the add is misleading and is defamatory against a very important industry to Australia.

They convey the message that 'fresh flowers are a rip off'. This is highly offensive to the entire floristry industry. The value of flowers cannot be compared in such a way to a fast food product. There is no basis for the comparison.

The advertisement is making an incorrect, untrue and misleading claim.

It is offensive and degraded the floral industry as being a rip off not offering good value with is unfair to florists who work incredibly hard to offer their customers good value beautiful flowers

I believe this is denigrating to the profession of floristry and claims something unfounded. I don't believe Red Rooster should be able to label all florists 'rip offs' and their comparison is based on what? It's impossible to compare one to the other? They aren't even plausibly linked.

Red Rooster is harming the floristry industry by labelling a bouquet a 'rip off'. They are making an inappropriate comparison as I don't think sending someone a Red Rooster value meal would be a suitable or respectful alternative to flowers for certain occasions, eg a bereavement.

If the shoe were on the other foot and a florist advertised that Red Rooster meals were unhealthy and slowly attributing to the rise of obesity, diabetes etc Red Rooster would be lawyered up for a battle.

Calling our industry a "rip off" is completely rude and offensive. This should be taken down immediately.

The comparison of a bunch of flowers from a florist being a rip off. Whilst a meal deal from m Red Rooster is not a ripoff. I am in the floral design business and this is my living which I find highly offensive.

I am a florist, our product does NOT rip people off. We work hard in our industry and it is unfair for a fast food company to state in large red letters that a bouquet of flowers is a rip off. This unfairly influences peoples opinions.

Being negative about an industry to promote own product. I feel it is untrue and harmful to the floristry industry.

The comparison to a gift item is not relevant, you don't eat flowers to sustain life as you do food! Different products that do different things. Obviously an advert to provoke the public which is working unfortunately! The bunch of flowers they picture could never be bought for \$5.00 and they are not comparing apples with apples. It's much the same as saying a diamond ring is a rip off compared to food, not correct and not relevant!

See above, incorrect information in as.

I object to red rooster implying that I and my fellow florist owners are a rip offs. It is or could cause me loss if sales and financial harm to my business

Falsely Slandering an entire industry to attempt to make their product look better.

This clearly advised the consumer that when you purchase a bouquet of flowers you are being ripped off without can't supporting facts etc just stating ripp ofg

The add vilifies the whole florist industry as rip offs. It lies by claiming that a bunch of flowers is a rip off and prevent consumers from buying flowers by suggesting that all flowers

are a rip off. There is no mention of the value of flowers pictured, just a claim that they are a rip off.

I am deeply offended by this ad. As a florist we work very hard to get the skills we have and send a lot of money to study the trade. Our industry is already suffering and to create an ad telling people flower are a rip off deeply hurts the florist industry and can cause damage. You can not compare flowers to fast food it is like chalk and cheese. If you check the red rooster face book page you will see all the complaints from florist and red rooster refuses to take it down after being continuously asked to delete the post. I have also privet messaged them to ask the to delete it and they said sorry but did not delete the post. Myself and the florist industry of Australia would like the post removed to prevent further damage to the florist industry. Thank you.

I am a florist and they are saying the product we sell is a not good value....that is negative towards our industry with no substantiation to the claim

belittling small business owners as well as making out peoples livelihood is ripping people off when it is not true

As a member of the floristry industry, I am absolutely disgusted and offended by the suggestion that flowers are a "rip off". For a company to slander another product provided by hard working growers & florists to advertise their own is absolutely abhorrent.

I am a florist and am deeply offended by this type of claim. We as florists spend a lot of time and energy and love in creating our products. Whether something is a rip off or of value is in the eye of the beholder. I personally feel that this is an attack on florists and its not fair.

This image is not subtle in its slander of the entire florist industry. It clearly describes a flower bouquet as a 'rip off' implying the florist who sold it to be a cheat; someone actively trying to short change a customer. The vast majority of florists are small business and this sort of comment from a large chain hits below the belt.

They're not comparing fairly. There is nothing similar about them to compare. They're denigrating the floristry industry, which is full of people that work very hard long hours doing what they do. They're implying flowers are a rip off, they are not. This advertisement is a lie.

The florist and flower growers have as much right to not have their industry denegaded. to say that a bouquet of flowers is a 'RIP off' and that 'Rippa value' is offered by Red Rooster is destructive.

as a florist im am horrified that a company can rubbish another industry like this. they are not comparing anything of the same product and not the same value, how can they state that flowers are a rip off

I own a florist and object to my products being described and misrepresented as a rip-off. Red Rooster has, by creating this ad, made us competitors, and as such, may have breached the AANA Code of Ethics, S1 1.3 Advertising or Marketing Communications shall not contain a misrepresentation, which is likely to cause damage to the business or goodwill of a competitor.

I am a struggling florist who has Enough competition with supermarkets and online order gatherers , without some FOOD company telling the general public that a bunch of flowers is a RIP OFF

As a small business owner of a florist shop I object to, and am offended by the insinuation that the products I sell - bouquets of flowers - are a rip off to consumers and that the product I sell can be in may way compared to Red Rooster's fast food. I see the ad as demeaning and untrue to the work that florists do.

As a Florist trying to make a living I & my customers find this to be a totally UNTRUE statement & it's offensive to an entire industry.

They shouldn't putting other business(in this case is Floristry) down to promote their product, this ads make people think that florist just want to rip you off buy selling expensive flowers, this is basically attack other industry.

I think it's very unfair to degrade a whole industry in order to self promote. The floristry industry is already struggling enough as it is without being compared to another business that is not even in a similar business category.

I own a florist

I am a florist

I work 60 hours a week to keep my small business going

I don't need to be denegated slanderously by Red Rooster

Putting down the flower industry while selling fattening food and targeting young people

I run a small family owned florist shop and we are not rip off's at all and to state that the bouquet in the picture advertised is a rip off compared to a red rooster meal is putting down our industry

I own a a florist and as small business owner this is damaging our lively hood.

*They have compared the Value meal to a bouquet of flowers saying they are a rip off!
It is highly offensive and disrepectful to put down another field/business to highlight and build up your own. I am a florist that is building up a business name and trying to make my small business work. That is difficult enough without it being undermined by a takeaway restaurant.*

As a florist I find it really upsetting that they can promote the idea that what we sell, flowers, are a 'rip off' and not worth buying. Especially because the food they are then promoting is in no way directly related to the flowers - of course a bouquet is pricier than a sandwich... But they should not be allowed to diminish the product that we make our livelihood on, especially when it is not true at all.

The two businesses are not even in any way

IT IS OFFENSIVE TO THE FLORAL INDUSTRY THAT RED ROOSTER IS SAYING THAT

BUNCHES OF FLOWERS IS A RIP OFF. FLORISTS TRY TO PROVIDE VALUE FOR MONEY AND NOT BE PORTRAYED BY ANOTHER INDUSTRY AS A RIP OFF.

The suggestion that florists and their products rip off people is misleading and defamatory to those within this profession. I

This is a baseless claim that discredits the flower industry carte blanche. I find it offensive & assert that this is false advertising. It makes a claim that is not able to be substantiated & it directly damages the good will of the flower industry and as such, my business. It is grossly unfair & unjust.

THE ADVERTISER'S RESPONSE

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

Thank you for the opportunity to respond to this complaint. Red Rooster takes its advertising responsibilities very seriously, and is mindful of its obligations under the Codes administered by the Board.

1. The advertisement

1.1 Red Rooster understands that the complaint concerns an image and associated text posted on Red Rooster's Facebook page and Instagram feed on 15 November 2017 advertising Red Rooster's "Rippa" value meal (Advertisement).

1.2 The Advertisement features an image divided in half and showing on the left side a bouquet of flowers beneath the words "RIP OFF" and on the right side a Red Rooster Rippa value meal beneath the words "RIPPA VALUE" and the price of the meal.

1.3 The text accompanying the image read as follows:

*Don't get ripped off, get Rippa Value at Red Rooster. Half a Rippa Roll, Small Chips and a Coke for just \$5. #WinnerWinner *Available for a limited time only. Pricing varies by region. Not available in Catering, Delivery, Airports or Stadiums.*

1.4 The Advertisement is intended to convey, in a light-hearted way, that the Rippa value meal is good value to consumers – in the sense that the product is relatively in-expensive – in contrast to luxury goods that are generally understood by the public to be relatively expensive – in this case, a bouquet of flowers. The phrase "rip off", meaning "expensive", "costly", or "high-priced", has been chosen because of its similarity to the name of the product, being "Rippa".

1.5 The Advertisement forms part of a series of advertisements developed for Red Rooster to post on social media platforms that have a similar premise and feature other relatively expensive luxury goods such as lobster, a gold watch, "smashed" avocado on toast, an engagement ring, and a bottle of champagne.

1.6 This Advertisement was developed by Red Rooster's creative agency Host and was published by Red Rooster with assistance from media agency Mindshare.

1.7 *The target audience for the Advertisement is adults aged 18 to 54 years.*

2. *The Complaints*

2.1 *Red Rooster understands that the Bureau has received a number of complaints about the Advertisement over the period 16 and 17 November 2017 (Complaints).*

2.2 *Red Rooster notes that the majority of the complainants appear to be florists or people otherwise involved in the floristry industry. The Advertisement was not intended to offend or upset florists. Red Rooster is supportive of all small business people and takes the Complaints seriously. As a result, Red Rooster has chosen to remove the Advertisement from its Facebook page and Instagram feed on 17 November 2017.*

2.3 *Red Rooster has reviewed each of the Complaints and responds in detail below.*

3. *AANA Advertiser Code of Ethics*

Section 2.1

3.1 *You have identified that section 2.1 of the AANA Advertiser Code of Ethics (Code of Ethics) in particular is relevant to the Complaint.*

3.2 *Section 2.1 of the Code of Ethics provides:*

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, gender, age, sexual preference, religion, disability, mental illness or political belief.

3.3 *Red Rooster submits that the Advertisement does not breach section 2.1 of the Code of Ethics for the following reasons:*

(a) *Section 2.1 is intended to prevent advertising that discriminates against or vilifies people on the basis of certain specified innate or personal characteristics. For section 2.1 to be engaged, two conditions must be met. First, the portrayal or depiction in the advertisement must discriminate or vilify a person or section of the community. Secondly, and the relevant discrimination or vilification must be on account of one of the listed characteristics.*

(b) *Even if the Advertisement is taken to portray or depict the floristry industry, it does not contain any reference, and cannot be construed to contain any reference, to one of the bases of discrimination or vilification the subject of section 2.1, namely: race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.*

(c) *To the extent that the Advertisement is taken to make any statement about the floristry industry, there is no suggestion that the people who work in that industry should be thought less of or treated badly because of the job they do, and any statement is generalised, is light-hearted, and is not the focus of the advertisement. (See the determination of the Board in*

case number 0290/15, 22/07/2015, and in case number 0556/16, 18/01/2017.)

The balance of Section 2

3.4 Red Rooster is asked to comment on the application of the balance of section 2 of the AANA Advertiser Code of Ethics to the Advertisement, as to which Red Rooster submits that:

(a) Section 2.2: The Advertisement does not employ sexual appeal where images of minors, or people who appear to be minors are used (the Advertisement features no such images), nor in a matter that is exploitative and degrading of any individual or group of people.

(b) Section 2.3: The Advertisement does not present or portray violence.

(c) Section 2.4: The Advertisement does not contain any nudity, nor does it contain any sexual content, themes, or innuendo.

(d) Section 2.5: The Advertisement does not use inappropriate, strong, or obscene language.

(e) Section 2.6: The Advertisement does not depict material contrary to prevailing community standards on health and safety.

(f) Section 2.7: The Advertisement is clearly distinguishable as an advertisement to the relevant audience on account its medium, location, and subject-matter.

4. AANA Code for Advertising and marketing Communications to Children

4.1 The Advertisement is not primary directed to children.

4.2 On that basis, Red Rooster submits that the provisions of the AANA Code for Advertising and marketing Communications to Children do not apply to the Advertisement.

5. AANA Food and Beverages Marketing and Communications Code

5.1 Red Rooster is asked to comment on the application of the AANA Food and Beverages Marketing and Communications Code (Food Code), as to which Red Rooster submits that:

(a) Section 2.1: Section 2.1 of the Food Code provides that:

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, and shall be communicated in a manner appropriate to the level of understanding of the target audience of the Advertising or Marketing Communication with an accurate presentation of all information including any references to nutritional values or health benefits.

Red Rooster submits that, in essence, section 2.1 is intended to ensure that claims made about food or beverage products in advertising do not mislead consumers. Red Rooster submits that the Advertisement makes no claim about the Rippa value meal advertised other than that

it is good value for consumers, that none of the complainants appear to have taken issue with this claim, and that the claim is truthful and honest and is not misleading or deceptive. The Advertisement makes no nutritional or health claims, nor any claims about the ingredient components of the product.

A number of complainants have asserted that the Advertisement represents that a bouquet of flowers is a “rip off” and that this is incorrect or misleading. Red Rooster responds as follows:

(i) Even if the Advertisement makes claims about flowers or floral bouquets, Red Rooster submits that section 2.1 of the Food Code would not apply to any such claim because that section is concerned with claims about food or beverage products.

(ii) In any event, Red Rooster submits that the target audience for the Advertisement would well understand that the product being advertised is the Rippa value meal and not a floral bouquet, including because of the price on the Advertisement clearly is associated with the Rippa value meal and because the Advertisement was posted by the Red Rooster Facebook account.

(iii) The phrase “rip off”, as used in the Advertisement, is commonly understood as a synonym for “expensive”, “costly”, or “high-priced”, and would be understood by the target audience as taking that meaning in the context of the Advertisement. As explained at paragraph 1.3 above, the Advertisement is intended to convey, in a light-hearted way, that the Rippa value meal priced at \$5 is good value to consumers – in the sense that it is relatively inexpensive – by contrasting the product with luxury goods that are generally understood by the community to be relatively expensive, such as floral bouquets (Note: For example, the price of a bouquet of flowers available for sale on the florist website Interflora.com.au on 21 November 2017 ranged from approximately \$50 to over \$160. Please refer to the extract enclosed). The contrast is readily discernible by an ordinary and reasonable person in the target audience as being an exaggeration to make the Advertisement entertaining and engaging, rather than a serious literal comment about the price of floral bouquets per se. Red Rooster submits that the intention of the Advertisement would be well understood by its target audience, that it is true that the Rippa value meal is relatively inexpensive when compared to typically high-priced luxury goods, and that accordingly the Advertisement is not misleading or deceptive.

Red Rooster further submits that the Advertisement does not otherwise contravene Prevailing Community Standards, and is communicated in a manner appropriate to the level of understanding of the target audience.

(b) Section 2.2: The Advertisement does not undermine the importance of healthy or active lifestyles or balanced diets, nor does it encourage excess consumption.

(c) Sections 2.3 and 2.4: The Advertisement makes no nutritional or health claims.

(d) Section 2.5: The Advertisement makes no consumer taste or preference claims.

(e) Section 2.6: The Advertisement makes no claims relating to the material characteristics of the product advertised.

(f) *Section 2.7: This section does not apply. The Advertisement is not used in association with editorial or program content.*

(g) *Section 2.8: The Advertisement does not portray the Mash & Gravy Balls advertised as being a meal substitute.*

(h) *Section 2.9: Please refer to the submissions made in part 3 of this response, above.*

(i) *Section 3: Please refer to the submissions made in part 4 of this response, above.*

6. Conclusion

6.1 *For the reasons above, Red Rooster submits that the complaint should be dismissed and no further action taken.*

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Board noted the complainant’s concerns that the advertisement is offensive, misleading and discriminates against florists.

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

The Board 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 Board noted the Practice Note to Section 2.1 of the Code which provides the following definitions:

“Discrimination – unfair or less favourable treatment

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

The Board noted this social media advertisement features two images on screen. The first image is of a bouquet of flowers with the text “RIP OFF” above the image. The second image is that of the advertised fast food brand Red Rooster. The image itself is a burger, chips and drink with the text “RIPPA VALUE” above the image and the advertised price to the right of the image. The Board also noted the online comments of the images, encouraging people “not to be ripped off” and purchase the meal instead.

The Board noted the complainant’s concerns that the advertisement was “insinuating that another product and service is of poor value and a consumer rip off”, and was “offensive and misleading toward the floral industry”.

The Board considered the overall impression of the advertisement. The Board considered that it is possible to vilify a sector of the business community through comparative advertising.

However the Board noted that this is clearly depicted as an advertisement for a quick service restaurant meal – a product well known for providing a package of foods for a low price, and is not an advertisement against the purchase of flowers.

The Board considered that the comparison between that product and flowers is a comparison between unrelated products and industries. The Board considered that that for the target audience of the main product a low cost meal would be seen as good value for money and for that target group a bunch of flowers would be comparatively unwanted and high cost. The disparity between the two products is clearly intended and likely to be taken as a light hearted humorous play on words and obvious difference would be recognised by most members of the community.

The Board considered that the products are not replacements for each other and that for the general audience the advertisement would be taken as humourous and not as a criticism of flowers or florists or a call to action to avoid buying flowers. The Board considered that the advertisement does not reflect the florist industry in a negative or demeaning manner nor that it implied that florists were overcharging for their services, but simply that a quick service meal is a more affordable choice.

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

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.