



Case Report

1	Case Number	0535/16
2	Advertiser	Muzz Buzz
3	Product	Food / Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	07/12/2016
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

- 2.1 - Discrimination or Vilification Age
- 2.1 - Discrimination or Vilification Gender
- 2.3 - Violence Bullying
- 2.3 - Violence Domestic Violence
- 2.3 - Violence Violence
- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.4 - Sex/sexuality/nudity S/S/N - sexualisation of children
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement shows a man and boy in a car going through a drive - through coffee shop. The man has ordered a cold drink and once this has been handed to him we see him take the lid off and empty the contents over the head of the boy seated in the front passenger seat next to him. The boy remains impassive as the drink falls over his head and drips on to his face. The man uses his finger to wipe some of the drink from the boy's head then sucks his finger clean and says, "Mmm. Delicious sticky boy" then pats the boy's head.

THE COMPLAINT

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

*It's creepy and inappropriate. Suggestive of bullying and/or paedophilia.
Under no circumstances is pouring a beverage on a child's head acceptable. The first time I saw this ad it reminded me of abuse. Nothing comical of this ad. Each time I have seen it*

makes me feel quite upset for the child actor.

We find this act demeaning to the child and an act child abuse; it also normalizes waste of food a grave insult to the starving poor.

These three ads are violent, messy and disgusting, promoting a shocking message to children - the very audience they target. These three ads are not responsible. Further they are promoting anger.

I have a 12yo daughter who is repelled by these ads and has pressured me to complain.

A man tips a smoothie over a young boys head and then rubs his fingers through the smoothie, licks his finger and says, "that's a sticky boy," or something similar. I found this very inappropriate.

Promoting paedophilic behaviour???

I feel that this action is saying that it is ok to pour drinks of any description over the head of a child who can't defend themselves. It is belittling and a form of bullying.

Watch the ad it is bullying and inappropriate behaviour with a child involved.

I made contact several days ago to muzz buzz head office there has been no response.

It's abusive to the child. It is not acceptable behaviour and us intended to be clever. It conveys a sense that it is OK to humiliate a child or someone weaker.

I find it extremely offensive especially for its subtlety.

Why a man in a car should pour a cup of sticky liquid over a young boys head, then ridicule the boy by rubbing it into his hair, then licking his fingers and call the young boy a sticky head is not advertising the product. The man is offensive and the young boy looks very uncomfortable. If this had not been acting, the man would have been accused of child assault and degrading the young man. It is very offensive to the child and the viewer.

This is highly abusive to this child, and promotes this behaviour by an adult to a child as 'normal'. It also has creepy sexual undertones by the comment, as well as the gesture of licking his finger. This has gone beyond reasonable shock marketing.

In the Tv Advertisement a man in a car with a child pours a drink over the child's head and then gets his finger and get some drink off the child's head and says "tasty child" or something along those lines it's seem disturbing and inappropriate for an TV advert. I am not the only one who felt uncomfortable whilst watching this advertisement.

At best the treatment of the child is abusive, child depicted as passive and powerless, at worst has creepy overtones of sexual predator.

The action of the father, purposefully pouring something over his child's head is offensive as it portrays child abuse in the form of humiliating and bullying the child. It seems that the father in the advertisement is doing this for his own pleasure or satisfaction, which completely disregards the dignity of the child and is highly offensive.

Many children in my community face abuse and degradation by parents and other adults. This advertisement either makes light of the tragic experiences many children have with abuse, or it somehow promotes treating children in such a degrading way. Therefore this advertisement needs to be reviewed and removed as it causes offense and promotes child abuse.

This MUZZ BUZZ advertise has an adult man sitting in the car with a child a boy. I don't

know if this man is portraying the father, uncle, friend etc but the boy sits there is has a MUZZ BUZZ smoothie drink poured slows all over his head by the adult man. It's derogatory to children making them look helpless, worthless and at the mercy of this stupid man. It could also represent conditioning of child to sit quite while an adult man has his fun with you. It's shocking and should be removed from TV immediately and the company fined.

The man presumably, the father tips the thickshake on the child's, presumably his son's head and rubs it in. In my opinion a form of child abuse.

A grown man drives to the drive through with a child next to him gets the drink ordered then poured over the child's head takes a finger puts on the child's head licks the finger and says "sticky boy" ...! I think this ad is WRONG on many levels.. it left my husband and myself shocked sickened and surprised that this sort of advertising is allowed.

I found it very disturbing to see a child treated this way. I regard such behaviour by an adult as child abuse and the fact that the child is very quiet and unresponsive makes it seem worse. I don't see how this advertisement conveys the message that Muzz Buzz has combined with Java Juice (I had to check their website to find out what the Java connection was) it only shows someone being very mean to a child.

After slowly pouring the drink on his 'son's' head, he uses his finger to pick off and 'eat' the smoothie. He then comments to the effect of 'tastes like sticky boy'.

Given the child's weight, I see this as bullying by the adult (father). The child is depicted with having a sad face, looking down.

Not only is the actions portrayed in this advertisement offensive, demeaning and showing cruelty, it breaches the following sections of AANA's Code of Ethics and Children Guidelines:

Advertisers and marketers must take reasonable steps to [...] ensure a child or young person is always portrayed in a dignified and respectful manner"

"Dignity", Section 2a, AANA Practice Guideline – Managing Images of Children & Young People [2009]

A negative depiction of a group of people in society may be found to breach section 2.1 even if humour is used. The depiction will be regarded as negative if a negative impression is created by the imagery and language used in the advertisement.

"Portrayal of People", Section 2.1, AANA Code of Ethics Practice Note [Jan 2016]

Bullying – the age of the people depicted in an advertisement, their relationship to each other and the nature of the communication are relevant in determining whether an advertisement constitutes bullying and is contrary to Prevailing Community Standards.

More care must be taken when the people depicted in an advertisement are children or if there is an unequal relationship between the people in the advertisement, eg student and teacher, manager and worker

"Health and Safety", Section 2.6, AANA Code of Ethics Practice Note [Jan 2016]

He orders a drink and then pours it over the head of his juvenile companion in the car. The child response to having the drink tipped over him is non responsive which indicates he think it is ongoing bullying.

It's totally bullying!

It's totally inappropriate and nothing to with the product.

It promotes bullying

It promotes child abuse

It promotes a man having power over weaker people to humiliate them

It promotes a child being bullied, looking ashamed, and not standing up for themselves

The man pours the iced drink over a young boys head. Followed by collecting some with his finger which he then puts in his mouth. The demeanour and actions of the man is of a bully, while the demeanour and actions of the boy is in keeping with a victim.

It's intention is probably to be humourous, but only a bully would think that was funny.

There's nothing funny about a boy looking down in shame after his role model has soiled his head and face

The man in the car orders a Muzz Buzz drink then pours it over a child's head. The man then uses his finger to wipe some drink from the boys head and proceeds to lick it, while saying 'sticky boy'.

I am offended by the first part where they pour a drink over a child's head, which is child abuse.

Secondly, they way the adult male licks the drink off the child with the phrase 'sticky boy' it seems kind of pedophile related and is suggestive of that. It's really cringe worthy!

The advertisement shows a male purchasing a drink from a drive through Muzz Buzz outlet. He then proceeds to tip the drink over the head of a boy in the car's passenger seat, then puts his finger in the juice on the boys head, licks his finger and says "tasty boy". I feel very offended that a child is placed in this position and the advertisement displays total disrespect for children.

This advertisement endorses adults demeaning, abusing and assaulting children. There is an implication of the child as an object of desire by the adult male.

It shows a perverted sense of adult child relationships

Cruel and degrading treatment of the child. I wondered if the boy was meant to have been kidnapped by the man or if he was just a 'whacky uncle'.

The man pours the drink over the boy then runs his finger through it, licks his finger while saying yum sticky boy!!

Humiliation of boy in car having drink poured all over him, then some weirdo talking about a sweet sticky boy. So wrong. On so many levels.

It represents bullying, belittling a child, and smacks of paedophilia.

It was degrading to see an adult treat a child that way and say those words sounded very 'paedophilic'

The advertisement humiliates the child, degrades him, and seems to make light of such unbelievably unacceptable behaviour adult behaviour towards a child. It should be removed as soon as possible and MuzzBuzz fined for attempting to make such abusive behaviour appear humorous.

Father gets a drink from Muzzbuzz & pours it over his sons head in the car.

*It is degrading for the young boy and could be seen as assault; it doesn't make sense and could also be misinterpreted as child abuse with sexual overtones
It is inappropriate*

Why would a man pour a drink over a boy in a car??? And even worse says " lovely sticky boy"

I find the images disturbing as it is blatant bullying by an older person to a child and the sticky boy comment has disturbing sexual overtones. The child does not look as if he is enjoying the treatment at all.

I was watching television on channel 7 when I came by the advertisement for muzz buzz now partnering with java juice. The tv commercial is quite offensive and disgusting. I felt that it was condoning abuse of a child by pouring a drink over a child by his father whilst he is seated in the passenger seat of a car. The facial expression of the father was quite unimpressive as he looks like he has achieved punishing his child and the child just sits there with a blank face looking helpless. I am absolutely appalled and am unsure how something so stupid could be done to promote a drink. Actually I don't understand it - how pouring a drink down a child is considered advertising or promoting a product. I am absolutely disgusted with the way this has been advertised especially at the expense of a child and to normalize through media that it is acceptable to treat children this way, I am sure I am not the only one. I find the ad quite offensive as I believe will others and quite sensibly, I really don't understand the logic of it either and don't find it funny.

I hope it will be removed or changed. I am a fan of muzz buzz coffee products but won't be any longer and am disappointed that this was considered appropriate to air.

Adult man pours cold beverage on young boys head seem humiliating to young boy condescending. I have contacted Muzz Buzz to suggest they review the advertisement and I was told they were not concerned by my comments and would be doing nothing. The advertisement is not a slice of life or funny and demeans and abuses a child who is helpless to resist the abuse attack. The advertisement has nothing to do with the product or service at Mizz Buzz.

Pouring a drink over someone is humiliating and degrading. An adult doing so to a child is totally unacceptable. This ad looks more like child abuse or even leaning towards paedophilia due to the dialogue. At no time during this ad does the child look remotely happy. Child abuse, bullying, child paedophile, waste of product- drink, the words the driver uses, the actions of the driver towards the child, the waste of product as there are many today starving and thirsty people in our local communities. Setting standards we are to follow by wasting what we have? Promoting abuse? Promoting sexual implications towards children? This ad is a true representation of bullying and nothing short of displaying early forms of child abuse. How this sort of ad can be displayed on free to air tv or any tv is absolutely appalling.

*Offended by the need for this company to subject a child to such abuse .
I believe the advert borderlines on child abuse with the father pouring a juice over the child's head and then saying something about a nice taste young boy. Ridiculous and creepy in my opinion. Our whole family is shocked every time we have to see the ad.
I think it's supposed to be funny, but I found it to be very demeaning to the child in this instance. To me, the tone of this advertisement is really off. I can appreciate tom-foolery, but not in the way this has been done. I believe the action to the child is most inappropriate. I would be very unhappy if this is seen as ok behaviour.
The adult gets handed a drink from Muzz Buzz and promptly pours the contents on the child's head.
Then runs a finger across his face, licks it and says "yummy sticky boy" while then patting the kid on the head as if he's a 'good boy'
It's disturbing and quite frankly all levels of wrong, not to mention it repeated on just about every ad break.
It takes a lot to offend me, but that left my skin crawling!
What on earth was something thinking to allow this to air?
Sends the wrong message to the treatment of children. This is offensive to any child. Not funny at all.*

THE ADVERTISER'S RESPONSE

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

I am responding to the complaint reference number 0535/16 referencing Muzz Buzz 'Sticky Boy' television advertisement. The ad in question features an adult male who represents a father enjoying his Muzz Buzz Java Juice in an unusual way by pouring the juice over the head of a boy representing his son.

The ad "Sticky Boy" is part of a Muzz Buzz campaign created in the spirit of displaying weird and interesting examples of 'taste driven silliness', aimed at being in good-humour. At NO point was our intention to glorify or express support for violence towards children, the sexualising of children or discrimination or vilification based on age or gender.

The casting process was extensive to ensure the boy was represented with confidence and his ability to maintain a stoic and quiet dignity. This formed a large part of the performance decisions made on the day of the shoot. It was important to us that the reaction to the adult male's behaviour was not seen as excessively outraged or even overly happy. As we now recognise, our best efforts to address this were not, in the eyes of some viewers, adequate. For this, we apologise.

The concerns around sexualisation of children have, frankly, shocked us. Again, strong focus was taken during casting and direction to ensure Muzz Buzz did not imply a sexual or predatory nature to the adult male's actions. Our intention was for the adult male, representing a father to be perceived as a quirky, unusual character who wasn't aware of society's norms around drinking juice.

The adult male's distant stare, indicated by some of the complainants as indicative of his predatory nature, was intended to communicate a sense that he was lost in thought

experiencing the flavour of the juice. In hindsight, Muzz Buzz accepts how the actions of the adult male representing a father, could be perceived by some as uncaring or vilifying and a violation of the boy's rights. Muzz Buzz once again sincerely apologises and confirm this was NEVER the intent. The advert was previewed by a range of people of various ages and both genders, and none of these issues were raised as concerns.

Muzz Buzz recognises the possible breach in codes and took immediate action Wednesday 15th 2016 to remove the advertisement from broadcast (free TV and online) and apologise for any distress caused to our customers and the broader public. We are now in the process of reviewing our regulatory procedures and taking the feedback we have received very seriously.

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 complainants' concerns that the advertisement showed violent and bullying behaviour, and raised concerns around paedophilia.

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 that this television advertisement features a man and a boy in a car going through a drive-through coffee shop. The man takes the lid off his cold drink and pours it over the boy's head. The man uses a finger to wipe some of the drink off the boy's head then sucks his finger and says "Delicious sticky boy" before patting the boy's head.

The Board considered that the behaviour of the man towards the child may be seen to hold the child in a negative light, however considered that there is no suggestion that the treatment of the child is representative of the treatment of all children, or that the boy is being discriminated against because of his age.

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 on account of age.

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

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Board noted the depiction of a man pouring a drink over a child's head. The Board considered that the relationship between the man and child in the car is unclear – so it is not

clear if this is a father and son or an uncle and nephew or any context to suggest the relationship between the two. However, regardless of the relationship status, the Board considered that man is shown in a position of power, and that the boy is seen having a drink poured over his head. The Board noted that the boy does not appear to be hurt or upset in the advertisement, however the Board considered that the boy is shown in a passive manner and he is not shown to be happy with the behaviour of the man. The Board considered that there is no humour in the advertisement to suggest a playful situation and that although the boy was not physically harmed, the man's actions could be considered abusive.

In the Board's view the depiction in the advertisement is a depiction of inappropriate behaviour that could be considered as an assault and that this is a depiction of violence in the context of this advertisement. Finding that this was a depiction of violence the Board considered that the depiction was not justifiable in the context of the product being advertised.

The Board determined that the advertisement did breach Section 2.3 of the Code.

The Board then considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience".

The Board considered the words 'delicious sticky boy' and the action of the man touching the boy and then licking his finger.

The Board noted the unusual nature of the advertisement and considered that the context of the advertisement is highlighting unusual ways people like to drink the product. The Board considered that despite this context, the advertisement has sexual overtones.

The Board considered it likely that any suggestion of sexualisation was not intentional, however the Board agreed that there is a strong sexual context in the man's actions.

The Board considered that community standards are very clear around portraying children as sexual beings or in a sexual context and considered that it is inappropriate to sexualise children in advertising for any reason. The Board considered that the advertisement breached section 2.4 by depicting a child in a sexually suggestive context.

The Board considered that the advertisement did not treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

The Board determined that the advertisement did breach Section 2.4 of the Code.

The Board considered 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 the boy's reaction to the man's actions was resigned and that he showed no surprise or anger at his treatment. The Board considered that it was possible to conclude that the boy's resignation suggested that the man had poured a drink over the boy's head on earlier occasions.

The Board noted the Practice Note states in relation to bullying:

"The age of the people depicted in an advertisement, their relationship to each other and the nature of the communication are relevant in determining whether and advertisement

constitutes bullying and is contrary to Prevailing Community Standards”

“More care must be taken when the people depicted in the advertisement are children or if there is an unequal relationship between people in the advertisement, eg student and teacher, manager and worker”

The Board noted that the exact relationship between the man and boy was unclear, however the man was clearly in the position of power. The Board considered that the action of pouring a drink over someone’s head was clearly negative and held the victim up to be humiliated. The Board considered that depiction in conjunction with a suggestion that the behaviour had happened previously did amount to a depiction of bullying.

The Board considered that bullying of a child is contrary to prevailing community standards on health and safety and that the advertisement did depict material contrary to Prevailing Community Standards on health and safety.

The Board determined that the advertisement did breach Section 2.6 of the Code.

Finding that the advertisement did breach Section 2.3, Section 2.4 and Section 2.6 of the Code, the Board upheld the complaints.

THE ADVERTISER'S RESPONSE TO DETERMINATION

Advertiser did not respond to the determination, however in the initial response indicated the advertisement had been voluntarily removed prior to consideration by the Board. ASB will confirm removal with CAD.