



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0540/10</b>
<b>2</b>	<b>Advertiser</b>	<b>Patties Foods Pty Ltd</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>19/01/2011</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

- 2.6 - Health and Safety - within prevailing Community Standards
- 2.2 - Violence - Other

### DESCRIPTION OF THE ADVERTISEMENT

The scene opens on a children's birthday party. Family and friends are in the backyard celebrating. A man has wandered back into the house. He sees on the food table there is only one Patties Pie left on a platter. At exactly the same time we see a man and a young boy reach for the pie and grab hold of it. They take one look at each other refuse to let go and look away trying not to make a scene. The man threatens to tell everyone that the boy has been opening the birthday boy's presents, and then licks his fingers which he then spreads over the pie. They suddenly have a fast paced conversation trying not to be heard and both refusing to let go of the last party pie.

### THE COMPLAINT

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

*As stated above I believe it is Disgusting Filthy & Unhealthy.*

*No person Young or Old should be looking at such advertisement.*

*The Management in my opinion should have more sense & responsibility & examine all T/V advertisements before going on air. Then this Filthy type of advertising would not be considered.*

*No doubt Patties will say some thing lie the following ""we consider the advertisement is meant to convey a message patties pies are the best""*

*I am well into my 80s & have never felt so Disgusted with t/V advertisement as I feel with this one in fact I feel sick every time it appears on screen.*

*The man licks his fingers and wipes over the top of the pie and bargains with the boy. The man looks 'seedy' and the whole atmosphere of the ad is unpleasant. I would not buy those pies if I was starving !!*

*The adult to be able to have the last pie licked his fingers and ran them over the top of the pie. This is very unhygienic and gives a very bad impression to children for them to use this method to get their own way. In fact it made me fell quite ill. The name of the advertiser/manufacture was not clear if it had been I would have directed my opinion to them direct.*

*The ad exhibits devious disrespectful nasty confrontational behaviour. It is the kind of ad young people would probably relate to thereby promotion inappropriate behaviour as an acceptable norm. The Adult is intimidating in his behaviour which is tantamount to bullying something our educational authorities are desperately trying to combat. His hygienically filthy act is not 'old man' exhibits disrespectful behaviour which is also likely to exacerbate such attitudes and actions in the young. Step away from the pie or I'll cry is less antisocial but exhibits devious attitude.*

*Not only am I a grandfather but also I am a secondary school teacher and find ads using these or similar themes or ploys are by their uncouth nature exemplifying anti social attitudes which lower societal standards and should be banned. I can guarantee you the behaviour shown in this ad will be copied by a considerable number of our young.*

*I find the act of an adult trying to scam the party pie from a child offensive. The lines "I'll tell everyone that you have been opening the birthday boys presents" and the licking of fingers and wiping them on the pie is in bad taste.*

*The fact a child is portrayed as a scammer too is a poor role model for any child to view. I have seen this ad being shown during the day as well - although on this occasion I saw it at night - and was horrified by the fact it was condoning such disgusting and distasteful behaviour. It suggests we can win arguments with children by being perverse - which isn't a standard we really should be broadcasting. It's also the sheer unapologetic disgracefulness of the man's actions - it made me feel ill watching him languish over putting his saliva all over the top of a party pie. Really depraved and not something I would ever want to see on Australian TV again. I'm ashamed that our standards have fallen to such an extent. Does anyone have standards anymore?*

*This advertisement features a man licking his fingers and rubbing them on to the top of a pie to prevent anyone else eating it. It is disgusting - unhygienic - a bad example to children - bad taste and makes me feel sick. I will never buy the product again or anything else under that brand. The ad should be withdrawn immediately and the company censured.*

*This is appalling example of how an adult engages with a child I have raised 4 off them It is appalling behavior on the part of the adult it is a shocking example to show children of how to get their r way*

*All in all it is simply disgusting. I mean if you have your own children what would you think if someone was doing that to one of your own young children.*

*This ad is about adult power over a much weaker child and is a form of child abuse on someone who cannot defend their position*

*This ad should be pulled off air straight away*

## **THE ADVERTISER'S RESPONSE**

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

*With regard to the above referenced complaint regarding the Patties television advertisement, I would like to offer the following response on behalf of Patties Foods;*

*It is noted that the board will consider this complaint against section 2 of the AANA Code of Ethics. Insofar as I can ascertain, there is nothing within the details of this section that directly applies to the nature of this complaint.*

*This advertisement highlights the love both young and old alike have for Patties party pies, exaggerating the somewhat childish lengths even an adult will go to get their hands on the last one. The man licking his fingers and wiping them over the pie is clearly an exaggeration of staking a claim on the pie for his own consumption.*

*The exaggerated behaviour is clearly intended as a humorous rather than literal take on the desirability of party pies, and is neither promoted nor condoned by the commercial.*

*With a target audience and media buy of Main Grocery Buyers, the television commercial in question was granted a W rating by CAD and therefore has not appeared in children's programs.*

## **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' concern that the advertisement features an adult bullying a child and performing an unhygienic act.

The Board viewed the advertisement and noted the advertiser response. The Board considered whether the advertisement was in breach of section 2.2 of the Code. Section 2.2 of the Code 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 that the advertisement featured a man and a boy arguing over the last pie on a plate, with both of them threatening to tell a tale about the other. The Board noted the complainants' concerns that the man appears to be bullying the boy.

The Board considered that the man and the boy in the advertisement appeared to be taking part in an ongoing battle and that arguing over a pie seemed a normal thing for them to be engaging in. The Board considered that the boy did not appear to be bothered by the man's threats and determined that the overall tone of the advertisement was an exaggeration of the lengths people would go to over a pie.

The Board considered that the advertisement did not present or portray violence and did not breach section 2.2 of the Code.

The Board then 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 in order to be certain of getting the last pie, the man in the advertisement licks his fingers and then wipes them across the top of the pie. The Board considered that this is intended to be a humorous incident that represents the type of thing that friends and family will do when teasing each other.

The Board recognised that while food safety standards may regulate food preparation in commercial areas, there is no similar law or standard for home consumption. The Board considered that the man's behaviour is not recommended, and could potentially lead to the spread of some diseases. The Board noted the exaggerated nature of the advertisement and considered that the advertisement was not advocating that viewers copy the man's actions.

The Board considered that whilst most members of the community could find the man's behaviour to be unhygienic and unpleasant, it is not a depiction of material contrary to prevailing community standards on consumption of food at home and is not likely to encourage unsafe behaviour.

The Board considered that, in this instance, the advertisement did not depict material contrary to current prevailing community standards on health and safety and therefore determined that the advertisement did not breach Section 2.6 of the Code.

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