



Case Report

1	Case Number	0583/16
2	Advertiser	Nestle Australia Ltd
3	Product	Food and Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	18/01/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.3 - Violence Violence

DESCRIPTION OF THE ADVERTISEMENT

The television advertisement features George Clooney in a Nespresso boutique enjoying a Nespresso coffee. A female approaches him and she comments the coffee is perfect, George replies that he wouldn't change a thing.

Two large men approach George and carry him out of the Boutique into a waiting car. George is brought to "The Boss" who accuses George of fancying his wife and asking how he plans to make it up to him - indicating his Nespresso coffee purchase.

When George refused, the men pick up George by his suit lifting him from his chair. The end scene shows an espresso being prepared. George's bandaged hand takes the cup and he takes a sip. His face has been bandaged and when his housekeeper asks if everything is OK he replies that he wouldn't change a thing.

THE COMPLAINT

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

This perpetuates the objectification and ownership of women- that a woman is not free to talk to a man who is not her husband is offensive and links to domestic violence.

THE ADVERTISER'S RESPONSE

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

We refer to your letter to Nestlé Australia Ltd (Nestlé) advising receipt of a complaint in relation to a television commercial for Nespresso coffee capsules (Advertisement). Thank you for the opportunity to comment on the issues raised in the Complaint.

In making our submission, Nestlé has considered the Advertisement under the AANA Advertiser Code of Ethics (Code of Ethics) specifically sections 2.1 (Discrimination or Vilification Gender) and 2.3 (Violence).

The Complaint

The Complainant is concerned the Advertisement is in breach of clause 2.1 and 2.3 of the Code of Ethics and asserts the Advertisement;

“perpetuates the objectification and ownership of women – that a woman is not free to talk to a man who is not her husband is offensive and links to domestic violence.”

Nestlé has considered in detail the Complaint and respectfully submits that the Advertisement does not breach of the Code of Ethics.

Background to the Advertisement

Nestlé, through its Nespresso business division creates, manufactures and sells high quality portioned coffee pods and machines. Nespresso partnered with George Clooney in 2006 as its brand ambassador, using George Clooney in multiple advertising campaigns since this time. Over the past 10 years, the advertisements featuring George Clooney have evolved, capitalising on the charm of George Clooney who perfectly embodies the elegance and charm of the Nespresso brand.

This Advertisement “Change Nothing” is Nespresso’s twelfth collaboration with George Clooney and builds on previous campaigns which comically demonstrate how far he will go to enjoy the perfect Nespresso coffee experience.

Overview of the Advertisement

The Advertisement opens with our Nespresso brand partner George Clooney in a Nespresso boutique enjoying a Nespresso coffee. A female approaches him and they exchange smiles;

Woman V/O: Perfect, no?

George V/O: I wouldn’t change a thing

Two large men approach George. He appears confused as they lift him up and carry him out of the Boutique and into a car.

George is then brought to “The Boss” played by actor Ian McShane who addresses George;

Boss V/O: Fancy my wife, do you?

Boss V/O: How are you going to make it up to me?

The boss, face to face with George looks to the Nespresso bag George is still carrying. George understand that he wants what is in the bag though George is not giving it up. The men grab George by his suit lifting him up from the chair. Cut to a shot of an espresso being prepared. George's bandaged hand takes the cup and he takes a sip. His face has been bandaged.

Housekeeper V/O: Everything OK?

George raises his coffee and smiles.

George V/O: I wouldn't change a thing.

Endframe Super: Nespresso. What else? Discover more at www.nespresso.com/whatelse

George V/O: Nespresso. What else?

Alleged breach under section 2.1 of the Code of Ethics

The Complainant is concerned that the Advertisement is in breach of section 2.1 of the Code of Ethics as the Advertisement seeks to discriminate or vilify against a person on the basis of gender.

Section 2.1 of the Code of Ethics states;

“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.”

We refer to the Code of Ethics Practice Note which defines this behaviour as;

Discrimination – unfair or less favourable treatment

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

Which align with the definitions provided by the Advertising Standards Bureau (the ASB);

Discrimination: Acts with inequity, bigotry or intolerance or gives unfair, unfavourable or less favourable treatment to one person or a group because of their race, ethnicity, nationality, sex, age, sexual preference, religion, disability and/or political belief.

Vilification: Humiliates, intimidates, and incites hatred towards, contempt for, or ridicule of one person or a group of people because of their race, ethnicity, nationality, sex, age, sexual preference, religion, disability and/or political belief.

It is an accepted position of the Advertising Standards Board (The Board) that advertisers are able to use whomever they choose in an advertisement, and that choosing to use attractive women is not discriminatory towards women.

The depiction of the female in the Advertisement is at all times friendly and George's reaction to her "Perfect, no?" comment is to respond happily that "I wouldn't change a thing" clearly referring to his Nespresso coffee, and repeated at the end of the ad.

The scenario depicted is in line with previous advertisements in the Nespresso campaign starring George Clooney in which he inevitably finds himself in a situation where he would do anything to enjoy his precious Nespresso coffee.

The interaction between the two is a friendly exchange initiated by the female and there is nothing to suggest that there is any discrimination or vilification of the female character based on her gender.

The exchange is cut short by two large men who carry George out of the Nespresso boutique and into a car, before delivering him to a character "The Boss" played by British actor Ian McShane.

*The character played by Ian McShane is intended to mimic the villains he typically portrays, and the advertisement follows the typical plot of a gangster movie such as *The Godfather*, where the villain is often portrayed as someone that would do anything to protect "The Family" and would usually be open to receiving a pay off or bribe for protection or, as is insinuated in the Advertisement, personal safety.*

It is against this background that George Clooney is tested as to his dedication to the Nespresso products he has in his possession.

There is nothing to suggest this depiction of events in any way objectifies or suggests that women are a possession of men or, as the complainant suggest, unable to talk to men who are not their husband.

The female character is not shown in a negative or unfavourable light and both male characters are depicted protecting what is important to them – the "Boss" character is seen to be protective of "The Family" - in this case, his wife, while George is protective of his Nespresso coffee.

Alleged breach under section 2.3 of the Code of Ethics

The Complainant asserts the Advertisement is in breach of section 2.3 of the Code of Ethics as the Advertisement suggests a link to domestic violence.

Section 2.3 of the Code of Ethics 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 Advertisement, as all the advertisements in our long standing campaign featuring George Clooney, is humorous in nature and depicts George in unlikely situations where his dedication to Nespresso coffee is tested.

As outlined above, there is nothing within the interaction between George and the female character in any way objectifies or suggests women are a possession of men, nor is there anything to suggest any link to domestic violence or any threat – actual or perceived between

the married couple.

As previously noted, the Advertisement follows the plot of a typical gangster genre, where the patriarch is protective of the “family.” The Advertisement shows that George Clooney is equally protective of his Nespresso coffee and despite the strong but silent ‘request’ that is made by the Boss, he refuses to hand it over in order to be released.

The Advertisement then cuts to a kitchen scene where George Clooney is shown bandaged and bruised, and despite his dishevelled appearance, when his housekeeper asks is “Everything OK?” he happily smiles, raises his Nespresso coffee and answers “I wouldn’t change a thing.” The advertisement is a deliberate and comical parody of the gangster genre and there is no depiction of any violence. While George is shown superficially bandaged in the final scene of the Advertisement – he is clearly happy and his response that he ‘wouldn’t change a thing’ indicates that he is fine.

The Board has previously dismissed a number of complaints about advertising that was suggestive of, rather than contained, any depiction of violence. We note that the view of the Board is typically where there is no actual image of violence, advertising with only a suggestion of violence is unlikely to breach the Code of Ethics. The Advertisement – Prevailing Community Standards

We note previous decisions of the Board have considered that advertising that does not depict actual violence is unlikely to breach section 2.3 of the Code of Ethics, however we understand and agree with the genuine community concerns around the serious issue of violence as reflected by the report commissioned and published in 2009 on the topic.

We feel that the Advertisement has been presented in such a way that shows the events are clearly exaggerated and well understood by the viewer to be intended as a humorous and lighthearted parody of the gangster genre of film and could not be taken seriously by the audience.

This is particularly true as the target audience is older given the product advertised is coffee, is shown in advertising times consistent with the W rating provided by CAD and our hero, George Clooney, is happy through to the conclusion of the Advertisement particularly as he “wouldn’t change a thing” regarding the events of the previous night.

We respectfully submit that our Advertisement is consistent with prevailing community standards compliant with the Code of Ethics and request that the Complaint be dismissed.

Other information

The Advertisement has a CAD rating of W.

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 suggests that women are owned by their husbands and that it links to domestic violence.

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 this television advertisement features George Clooney drinking a Nespresso coffee and agreeing with a woman who comments that the coffee is perfect. The Board noted that the woman's husband accuses George of fancying his wife and implies that George should give him his Nespresso coffee purchase in return.

The Board noted the complainant's concern that the advertisement suggests that women are not free to speak to men who are not their husbands. The Board noted that the husband of the woman in the advertisement is clearly protective of his wife but considered that his jealousy is borne out of his wife talking to a famous movie star rather than a suggestion that this, or any, woman is not free to speak to another man.

The Board considered that the advertisement does not suggest that women are owned by their husbands and does not portray or depict any material in a way which discriminates against or vilifies a person or section of the community on account of gender.

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 complainant's concern that the advertisement 'links to domestic violence'. The Board noted that after his meeting with the woman's husband, George is seen looking as though he has been in a fight. The Board noted the overall 'Mafia' tone of the advertisement and considered that this is in keeping with the Italian theme of the Nespresso advertisements and in the Board's view, while violence of any kind is not to be encouraged or condoned, the use of the Mafia style threat and subsequent depiction of George with a bruised face is intended to be a light-hearted depiction of George's protection of his coffee in spite of a threat from a jealous husband, and is not a suggestion that it is acceptable to use violence if your partner speaks to a member of the opposite sex.

The Board determined that the advertisement did not breach Section 2.3 of the Code.

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

