



Case Report

1	Case Number	0594/16
2	Advertiser	Aldi Australia
3	Product	Retail
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	18/01/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Bullying (non violent)

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts a man with a noticeable sun-burned face opening the boot of his car. From inside the car boot, a loaf of bread in a shopping bag is talking to him and telling him to use some sunscreen. The loaf of bread says he is 'pink as a little lamb cutlet, and refers to him as a 'shiny, shiny lobster face.

THE COMPLAINT

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

Where there us such emphasis on bullying in society I find the final comment "shiny, shiny lobster face" made to the man is condoning bullying and is not something that should be promoted.

THE ADVERTISER'S RESPONSE

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

The advertisement is a 15 second TVC for ALDI. It has been broadcast in [NSW,ACT,VIC,SA,WA and QLD] since Sunday 4.12.2016 - Saturday 24.12.2016 and is not currently scheduled continue into 2017.

The advertisement opens on a driveway. A man is unpacking the boot of his car, and his face is sunburned. The boot is filled with ALDI groceries, including a “VIVA” brand loaf of bread:

VIVA: Outside for 2 minutes and pink as a little lamb cutlet.

Man: I’m just a little flustered.

VIVA: Well spray on some sunscreen, sugar.

Voice over: Was 8.99

Now 6.99

Supers: Sunscreen pack shot

Was \$8.99

Now \$6.99 everyday

Stop and smell the savings at ALDI

VIVA: Shiny, shiny lobster face

Man: Stop it.

Complaint

The complaint that we are responding to states that the advertisement is in breach of s 2.6 of the AANA Code of Ethics (the Code) on the ground that the words “shiny, shiny lobster face” depict and condone bullying.

For the reasons set out below, ALDI considers that the advertisement complies fully with the Code. The prohibition in s 2.6 of the Code is with respect to depictions of material that are contrary to prevailing community standards on health and safety. No reasonable viewer would understand the advertisement as depicting or condoning bullying, or depicting material that is in any other way contrary to prevailing community standards with respect to health and safety. The AANA Code of Ethics Practice Note states that “the age of the people depicted in an advertisement, their relationship to each other, and the nature of the communication, are relevant to determining whether an advertisement constitutes bullying and is contrary to prevailing community standards”. It is abundantly clear from the context that the man is not being bullied: the words “shiny, shiny lobster face” are a reference to the fact that the man is sunburned, and that he could have avoided this had he used sunscreen.

Compliance with the Code

ALDI considers that applying prevailing Australian community standards, the advertisement cannot be said to be in breach of s 2.6 of the Code, or of any other part of Section 2 of the Code.

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 depicts and condones bullying behaviour towards a man with sunburn.

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

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 that this television advertisement depicts a man with a noticeable sunburnt face being told to use sunscreen by a talking loaf of bread that also refers to him as ‘pink as a little lamb cutlet’ and ‘shiny, shiny lobster face’.

The Board noted that there is a high level of community concern around the issue of bullying. The Board noted that the man in the advertisement is referred to as a pink lamb cutlet and a shiny lobster because he has sunburn, which is a temporary condition caused by the man himself, and considered that these comments, made by a computer animated loaf of bread, are clearly in the context of the man not using sunscreen. The Board considered that the advertisement is humorous and light-hearted and in the Board’s view the unrealistic, fantasy situation would not be seen as bullying rather as humorous.

The Board considered that the advertisement did not depict, encourage or condone bullying behaviour or any other material contrary to Prevailing Community Standards.

The Board 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.