



CASE REPORT

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| 1. Complaint reference number | 103/01 |
| 2. Advertiser | Nestle Chilled Dairy (ACTIV Yogurt) |
| 3. Product | Food |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Discrimination or vilification Other – section 2.1 |
| 6. Date of determination | Tuesday, 8 May 2001 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

The television advertisement depicts a mystic sitting on a lake who says, ‘When you practice your yogurt daily you will see the benefits. Remember, you only get out of it what is put into it - like Nestle ACTIV with fruit, fibre and calcium. These are the things you need every day. The only daily thing it doesn’t contain is a newspaper.’ The advertisement ends with the man saying ‘Yummmmm’.

THE COMPLAINT

Comments made by the complainant in relation to this advertisement include:

‘The sound is actually intoned as a complete send up of the HOLY sound of OM. The sound and power of OM has been a cornerstone of Hindu religion for over 5000 years. It is the most revered intonation that is in existence for every spiritual practitioner of an Indian Faith. I hope that there will be respect shown by the people of Australia for the sanctity of the beliefs of other cultures that exist here in Australia .’

THE DETERMINATION

The Advertising Standards Board (‘the Board’) considered whether this advertisement breaches Section 2 of the AANA Advertiser Code of Ethics (‘the Code’).

The Board was of the view that, while the material within the advertisement might, like some others, echo and even, in some eyes, cheapen a sacred tradition, it did not constitute discrimination or vilification. The Board determined that the advertisement did not breach the Code on these or any other grounds and, accordingly, dismissed the complaint.