



CASE REPORT

1. Complaint reference number	106/02
2. Advertiser	Nestle Australia Ltd (Milky Bar)
3. Product	Food
4. Type of advertisement	TV
5. Nature of complaint	Health and safety – section 2.6
6. Date of determination	Tuesday, 14 May 2002
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

In this television advertisement, the Milky Bar Kid comes up with another scheme to defeat his arch-enemy, Dastardly Dick. The plan is outlined to the Kid's colleagues ahead of the arrival of Dick, demanding: "Hand over the Milky Bars." He stoops to pick up a bar and the group enacts their plan, involving a variety of booby traps. After a roped Dastardly Dick is ejected into the street, the Milky Bar Kid shoots milk over him, saying: "The Milk's on you, Dick. The Milky Bars are on me."

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

"At the conclusion of the ad, a child (the Milky Bar Kid) points a gun at an adult (the baddie) and I feel that this is inappropriate especially as the advertisement targets children."

THE DETERMINATION

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

The Board accepted the advertiser's explanation that the tone of the advertisement was slapstick comedy based on a well-established theme, and considered that, within this context, the depiction did not represent a contravention of the Code on grounds of health and safety.

Finding that the content of the advertisement did not breach any other aspect of the Code, the Board dismissed the complaint.