



Case Report

1	Case Number	117/10
2	Advertiser	Mars Confectionery
3	Product	Food and Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	14/04/2010
6	DETERMINATION	Dismissed

ISSUES RAISED

2.2 - Violence Other

DESCRIPTION OF THE ADVERTISEMENT

In this television advertisement M&M characters are sitting around a campfire toasting marshmallows and playing a game of 'strip' spin the bottle. Red spins the bottle which points at the naked or Bare M&M (no candy shell) who didn't want his dignity taken away, but being Red's fall guy, has his marshmallow taken away. Bare M&M is then seen in the moonlight wearing a 'Rated M&M' censor sign when a packet of M&M's Bare All promotion pack drops in behind him promoting chance to win \$20,000 (three to be won) plus 1000 other instance prizes with voiceover 'find a packet of stark naked M&M's for your chance to win a share in \$160 grand'.

THE COMPLAINT

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

The advertisement shows children that bullying is okay and taking your dignity away is also okay. M&M's is most the influential product on the market and needs to insure the message that children receive is positive and assisting in their growth and development. There is already too much bullying going on in the school yards already. When marketing a product the message should be about development of our children not showing them that the red M&M can dominate the rest of the group and do what he likes and the others just laugh. Children will see this as a normal way of life as the M&M's portray to them those they mix with at school of anywhere. I do feel very strongly the advertisement is not putting across a suitable message.

I hope next time I see the advertisement it will be softer and offer developmental suggestions to children and be more positive.

My understanding was that we were trying to stop harassment humiliation and creating inferiority complexes at school and in the work force.

THE ADVERTISER'S RESPONSE

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

The nominated advertisement which ran over 4 weeks from February 14 to March 20 is for the M&M's Bare All on-pack promotion where consumers have the chance to win over \$100,000 in cash prizes if they find a pack of bare M&M's (ie no candy shell).

The nature of the complaint is in reference to section 2.2 of the AANA Code of Ethics which states that the advertising "shall not present or portray violence...", with the complainant suggesting a danger to children through portrayal of bullying within the ad.

The storyline of the ad sees our fictitious M&M's characters playing a game of 'strip' spin the bottle around a campfire, highlighting the Promotional mechanic to search for naked or bare M&M's to win. As with most M&M's advertisements, the story revolves around two central characters, Red and Yellow and plays to their enduring personality traits, with Yellow (as usual) being Red's fall guy.

The ad is clearly in good humoured fun and in no way vilifying, vindictive or bullying, but part of a well understood, fun natured game where the individual upon whom the spinning bottle stops, must remove an item of clothing. Naturally this is a source of humour to all those participating in the game.

Furthermore, the television commercial in question was granted a PG 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 complainant's concern that this advertisement condones or promotes bullying.

The Board viewed the advertisement and noted the advertiser's response that the advertisement is humorous.

The Board viewed the advertisement and noted that the advertisement depicts cartoon confectionery with human characteristics. The Board noted that the M&Ms are playing around a campfire and that 'Red' takes the last item from 'Yellow' who is losing the game. Yellow then disappears into the night. The Board considered that this advertisement did not

give a strong suggestion of bullying or of inappropriate or unsociable behaviour. The Board considered that the animated context of this particular advertisement, its context as part of a series of advertisements featuring these two characters, and the depiction of confectionery rather than people, contributed to the overarching sentiment of the advertisement being humorous rather than bullying. The Board determined that the advertisement did not depict or condone violence and did not depict material contrary to prevailing community standards around health and safety in relation to bullying. The Board determined that the advertisement did not breach section 2.2 or 2.6 of the Code.

The Board also considered whether the advertisement was appropriate considering its suggestion of playing a 'stripping' game. The Board noted that the advertisement is classified PG. The Board considered that the depiction of confectionery characters losing their candy shell and the depiction of 'Yellow' as embarrassed was suggestive of a game where clothes are removed. The Board considered however that the advertisement was not sexually suggestive and that younger members of an audience would not take a sexual inference from the advertisement. The Board also considered that the depiction of a 'spin' game was not inappropriate in particular as there was no sexually suggestive behaviour in the advertisement. The Board considered that the advertisement did not breach section 2.3 of the Code.

The Board noted that the advertisement is for confectionery and that the style of the advertisement may be attractive to older children. The Board noted the PG classification of the advertisement. The Board considered that the product advertised is not a product 'targeted toward and having principal appeal to children' and that the advertisement is not directed 'primarily' to children. The Board therefore determined that the advertisement did not come within the AANA Code for Advertising and Marketing to Children.

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