



CASE REPORT

1. Complaint reference number	120/05
2. Advertiser	Bonland Dairies Pty Ltd (Munchables)
3. Product	Food
4. Type of advertisement	TV
5. Nature of complaint	Discrimination or vilification Other – section 2.1
6. Date of determination	Tuesday, 10 May 2005
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

The first scene in this advertisement opens in a family home. A young boy and girl, upon seeing their parents' room being perfectly tidy, demand that their parents get in there and 'trash it'. The next scene shows the parents and the children at the top of a skate-board half-pipe. The parents have a scared look on their faces as the son urges the parents to launch themselves off the edge. The final scene in the advertisements show the family at dinner where the young girl tells the parents to eat their brussel sprouts or they "won't get their Munchables". When the parents ask if they can go to bed, the children reply: "No!".

THE COMPLAINT

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

"Don't you think we have enough bullies amongst teenagers without your encouragement?"

"The lack of respect by anyone for another is encouraged by this type of advertisement."

"The ad was extremely condescending towards parents and showed young kids bossing their parents around... Showing parents in a bad light only serves to create long term issues with discipline".

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

"The advertisement is based around a situation children are familiar with and uses fantasy and exaggeration to generate interest. Children understand that they are not in a position to tell their parents when to go to bed, what food to eat, when to tidy their room nor to encourage them to ride on a skateboard park. Children may fantasize about how 'cool' it would be if that could happen but, as it is the absolute opposite to reality, they realise that the situation is complete fantasy and, as such, they will gain no cues as to how they can behave towards their parents: "

THE DETERMINATION

The Advertising Standards Board ("Board") was required to determine whether the material before it was in breach of the AANA Code for Advertising to Children (the "Code").

To come within the Code, the material being considered must be an "advertisement". The Code defines an "advertisement" as follows:

"...matter which is published or broadcast... in all of Australia or in a substantial section of

Australia for payment or other valuable consideration and which draws the attention of the public or a segment of it to a product, service, person, organisation or line of conduct in a manner calculated to promote or oppose directly or indirectly the product, service, person, organisation or line of conduct.”

The Board decided that the material in question was published in all of Australia or a substantial section of Australia for payment or valuable consideration given that it was being broadcast on television in Australia .

The Board determined that the material draws the attention of the public or a segment of it to a “product” being Munchables snack food “in a manner calculated to promote... that product”. Having concluded that the material was an “advertisement” as defined by the Code, the Board then needed to determine whether that advertisement was for a “Product”. Product is defined in the Code as meaning:

“goods, services and facilities which are target toward and have principal appeal to Children.”

“Children” are defined in the Code as meaning:

“14 years old or younger.”

Having regard to the fact that the talent used in the advertisement were young persons and that the product being advertised was snack food, the Board determined that the Munchables snack food is a “good” targeted towards and having principal appeal to Children. The Board then needed to determine whether the advertisement was an “Advertisement to Children”. “Advertisements to Children” are defined in the Code to mean:

“...advertisements which, having regard to the theme, visuals and language used, are directed primarily towards Children and are for Product.”

Having regard to the nature of the Product and the theme of the advertisement, the Board determined that the advertisement was clearly directed to Children and therefore one to which the Code applies.

The Board then analysed specific sections of the Code and their application to the advertisement. The Board considered that clauses 2.4.1(a) and 2.11.1 of the Code were relevant in the circumstances. To avoid a breach of clause 2.4.1(a) of the Code, Advertisements to Children must:

“...not undermine the authority, responsibility or judgment of parents or carers.”

The Board agreed with the advertiser’s comments that the advertisement is based on a situation that children are familiar with and uses fantasy and exaggeration to generate interest. The Board took into consideration the fact that the advertisement was targeted to children between 10 and 14 years of age and the Board was of the opinion that children at that age would understand the use of fantasy and humour. The Board also noted that at no stage did either of the children disobey an order from the parents. The Board determined that the advertisement did not undermine the authority, responsibility or judgment of parents and did not breach clause 2.4.1(a) of the Code.

The Board then considered whether the advertisement breached clause 2.11.1 of the Code. In order to comply with clause 2.11.1, the advertisement must:

“comply with the AANA Advertiser Code of Ethics.”

The Board therefore considered whether this advertisement breaches section 2 of the AANA Advertiser Code of Ethics.

The Board found that in the context of prevailing community standards the advertisement did not breach any of the provisions of the AANA Advertiser Code of Ethics.

On the above basis, the Board held that the material before it did not constitute an advertisement in breach of the Code or the AANA Advertiser Code of Ethics.

Accordingly, the complaint was dismissed.