



CASE REPORT

1. Complaint reference number	125/04
2. Advertiser	Kellogg (Aust) Pty Ltd (Sustain)
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 June 2004
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

The advertisement depicts a woman eating Sustain cereal with her partner. She tells her partner Sustain is meant to help keep you on the ball. She receives a call from a market research company and answers. She pretends that her answering machine has taken the call and then presses the microwave buttons to make the beeping sound of her answering machine. She then says to her partner “See? It works.”

THE COMPLAINT

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

“This ad personifies lying, and disrespects those people who have the difficult job of telemarketing.”

“This ad promotes people to lie, not give the telemarketer a chance to earn income, and contributes to the low morale that telemarketers typically experience when it comes to their job. This ad also, because of its timeslot, is sending a bad message to children to lie to suit themselves and to also disrespect people.”

THE ADVERTISER’S RESPONSE

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

“The ad depicts in a light hearted way an experience which is familiar to most of us that is of receiving an unsolicited telephone call at an inconvenient time. The solution shown in the commercial is one in which I think most viewers would find amusing and resourceful.”

“I think that most people would regard the commercial as humorous rather than making a moral statement or offending community values.”

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 that in the context of prevailing community standards, the majority of people would find this advertisement humorous rather than offensive.

The Board found that the depiction did not contravene the provisions of the Code relating to discrimination/other.

Further finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.