



## **CASE REPORT**

1. Complaint reference number	140/06
2. Advertiser	Pepsico Australia Holdings Pty Ltd (Pepsi Max)
3. Product	Food & Beverages
4. Type of advertisement	TV
5. Nature of complaint	Violence Other – section 2.2
6. Date of determination	Tuesday, 11 April 2006
7. DETERMINATION	Dismissed

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement depicts three young men placing a set of fluffy bunny ears on another man's head, and a fluffy bobtail on his bottom. The young man dressed as the "rabbit" is asked "Pepsi Max?" to which he replies "Yes please". He then asks "Are you sure?" and the man with the can replies "Don't worry, there's no sugar!".

The sound of a buzzer and a crowd cheering are heard, and as the men step back it is revealed that the location is a greyhound track with a meeting in progress. The "rabbit" man whizzes off on a monorail or mechanical lure as greyhounds chase him. A commentator in his booth says "Hey, that's one big ugly rabbit!" The "rabbit" crosses the finishing line and has a startled expression on his face like that of a rabbit caught in headlights, as the pack of greyhounds follow.

## **THE COMPLAINT**

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

*1. humiliates the individual 2. the commentator's remarks are belittling 3. the incident could be described as bullying*

## **THE ADVERTISER'S RESPONSE**

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

*It is clear that all four men are equal participants in the gag, with the humour exaggerated through the use of the rudimentary bunny "outfit", made funnier by the commentator's comment.*

*The bunny man himself does not seem upset with the dress up and, while shows to be a little concerned about the greyhounds, remains to appear quite humoured if not startled by his fast ride round the track.*

*Pepsi is a responsible marketer. This means we do not seek to promote behaviours that could harm or distress consumers physically or mentally.*

## **THE DETERMINATION**

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

The Board viewed the advertisement and considered that the advertisement portrays the actions as the pranks of a group of young men in which one young man is seen to be voluntarily, although somewhat timidly, assuming the position on top of a mechanical greyhound lure. The Board did not consider that

these scenes depicted material that could be described by most people as bullying, nor did it consider that the advertisement condoned bullying behaviour.

The Board considered that the concept of the man hopping onto the electronic 'rabbit' was absurd and, because of its absurd nature, was not a depiction that was contrary to prevailing community standards on safety.

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