



CASE REPORT

1. Complaint reference number	145/05
2. Advertiser	Parmalat Australia Ltd (Breaka)
3. Product	Food
4. Type of advertisement	TV
5. Nature of complaint	Discrimination or vilification Gender - section 2.1
6. Date of determination	Tuesday, 14 June 2005
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement for Breaka Milk opens with the scene of a young man dressing up as a mascot for a sporting event. His friend sitting in the living room says “I don’t know why you do that crappy job”. The next few scenes in the advertisement show the mascot enduring rough treatment at a sporting event. He is attacked by the opposing mascot and also by a fan in the stadium. The next scene shows the mascot sitting down to have a break. He sips from a carton of Breaka chocolate milk. As the camera pans back we see that the character has a front row seat to the half-time show performed by the cheerleaders who are dancing suggestively in front of him. The words “Breaka makes your break” appear on the screen as the advertisement closes.

THE COMPLAINT

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

“... the attitude portrayed is a sexist and offensive one. Women do not exist to ‘stand before’ men to gratify their sexual desires.”

“... This advertisement portrays an undesirable attitude which is contrary to the ideals of Australian society which seeks respect and esteem for women. ...”

THE ADVERTISER’S RESPONSE

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

“... Parmalat categorically denies that the women in the advertisement are portrayed as standing before men to gratify their sexual desires.”

“... The storyline was portrayed in a humorous manner ...”

“... Parmalat rejects the claim that the Breaka flavoured milk advertisement is offensive, sexist or that it portrays women standing before men to gratify their sexual desires ...”

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 the use of the cheerleaders was not out of context in the advertisement. The Board considered that such performances are typically part of a large sporting event and that the dancers and the performance itself were presented in a realistic manner. The Board considered that the advertisement did not treat women in a demeaning or derogatory way.

The Board found that the depiction did not contravene the provisions of the Code relating to the portrayal of people (sex).

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