



CASE REPORT

1. Complaint reference number	184/08
2. Advertiser	Fantastic Snacks Australia
3. Product	Food & Beverages
4. Type of advertisement	TV
5. Nature of complaint	Portrayal of sex/sexuality/nudity – section 2.3
6. Date of determination	Wednesday, 11 June 2008
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

A couple is cuddled together on their couch. The woman is resting her head against the man's shoulder. Next to the man is an opened box of Delites - a close-up is shown. The man reaches into the packet, takes a cracker and eats it. The woman snuggles in and gives the man a small peck on his lips and goes to rest her head back on his shoulder. But instead, she licks her lips with intrigue. She goes for a second peck, but this time with more vigour. Holding her partner's head between her palms, she frantically starts licking his lips and mouth as if she's licking a plate clean. While licking him she spots an open box of Delites, and playfully pushes him away. She takes the pack and begins to eat them. The advertisement cuts to four packets of Fantastic Delites sitting on the coffee table, the Fantastic logo and graphic: Taste Fantastic are also shown. A voice over says: 'Fantastic Delites. They taste fantastic'. The final scene shows the couple playfully sharing the packet of Delites.

THE COMPLAINT

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

Not only our children but I'm sure plenty of others were watching their favorite show Better Homes and Gardens and the ad came on I was absolutely disgusted to see this.

Firstly inappropriate content and secondly the time slot. This is a complaint about inappropriate sexual content in an advertisement.

I don't feel that it is necessary to see her tongue lick his lips. It has sexual connotations which are not appropriate for younger viewers. I am in my late 30's and also find it distasteful. The crackers may taste good, but after seeing her tongue licking his face, it is very off putting and not an incentive to buy the product.

THE ADVERTISER'S RESPONSE

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

We refer to the complaints made against our television commercial which fall into two areas – (1) the content and (2) the times at which the commercial was screened. We are aware of Section 2 of the AANA Code of Ethics, and do not believe there is any breach of the Code.

(1) Content.

The scenario features a couple in their early 30s. They are relaxing in each others company on their couch at home watching television (perhaps on a weekend). While they are watching TV, he starts eating our product from a box he had concealed behind a cushion. She, not noticing the box, gives her partner a little kiss of affection and, noticing a taste on his lips, she kisses him again.

After pausing to think about the flavour, she then starts comically licking his face to get all the flavour she can off of his face. The act of licking itself was clearly not sexual in nature, and lasts approximately 2 seconds. She then sees what her partner was eating and takes the box for herself.

The message that the commercial is conveying is that the product tastes fantastic. To some degree, the message communicated is that the flavour is unexpectedly good, which is communicated by the unexpected response from the young woman in the advertisement.

Before producing this commercial, the storyboard concept was independently focus group tested to measure both the registration of the message and the like-ability of the idea. On both counts, the groups gave us a resounding positive response. The women in these focus groups recognised the humour in the scenario and they found it to be both distinctive and funny, rather than sexually suggestive.

Testing a concept is not the same as testing the finished commercial, but at all times throughout the production process, we were very careful to make certain that the licking in the finished commercial was comical rather than sexual and that our couple were not dressed in suggestive clothing. Further, we went to great trouble to select actors who were an actual couple, and who had a sense of fun about them in their relationship. This sense of fun is important in communicating the overall message that this was a playful moment in the mature relationship between two adults which was about her response to the snack he was eating. At the end of the advertisement, our couple are still “playing” between themselves as the young woman teases the young man with the snack packet.

In addition to the concerns about sensitivity to material that may be considered sexual in its nature, we would also like to point out that we were sensitive to gender issues within the context of the advertisement. Although the woman executes the comic device within the plot of the advertisement (having to lick the man’s face to be able to enjoy the flavour), we took great care to demonstrate that she ends up with the power in the situation (retaining the box for her own consumption and teasing the young man with it) – demonstrating that both genders have power (and humour) in the relationship.

(2) *Screening times.*

Since receiving your advice that there have been two complaints, and although we strongly believe there is no breach of the Code, we have instructed our media agency to amend our media buy so that that the commercial does not appear before 7.30pm. The commercial has been given a ‘W’ classification so it cannot appear in children’s programmes. We have made this move to demonstrate our sensitivity to the concerns of others.

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 complainants' concerns and reviewed the advertisement under Section 2.3 of the Code which deals with sex, sexuality and nudity.

The Board viewed the television advertisement and was amused by its content. The Board noted that the advertisement had been given a W rating which meant it would not appear during children's programming or in programs adjacent to children's programming. The Board further noted that the advertiser had moved to ensure the advertisement was only aired after 7.30pm even though this was not a constraint provided by the W rating.

The Board considered that the actions of the couple pictured were not sexual in nature and that the advertisement was gender sensitive in that it was the female who licked the male's face.

The Board further considered that the advertisement conveyed a sense of fun and humour and was not an inappropriate display of sex, sexuality or nudity.

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