



CASE REPORT

1. Complaint reference number	206/05
2. Advertiser	H. J. Heinz Co. Australia Ltd (Baked Beans)
3. Product	Food
4. Type of advertisement	TV
5. Nature of complaint	Discrimination or vilification Sexual preference – section 2.1
6. Date of determination	Tuesday, 9 August 2005
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement is executed in the style of a TV soap opera. The first scene depicts a family sitting at a kitchen table. As the wife and children stand up to take away their plates the father grabs his son by the arm and sits him back down. The father says to his son: “*Mum tells me you want Timmy Stevenson to sleep over. I guess the easiest way to put this is life’s a lot like baked beans – you know you can have them straight or you can try them in all sorts of different ways.*” The son replies: “*Dad, I’m not gay.*” The father replies happily: “*Of course you’re not, of course you’re not. Who’s gay? Who’s gay?*”

THE COMPLAINT

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

“... The advertisement seems to imply that being gay is in someway wrong. I consider it inappropriate for this inference to be made especially involving adolescent children irrespective of the discriminatory reference to those of a same sex persuasion. For an advertiser to imply, albeit tongue-in-cheek, to make certain choices one way or the other is wrong or something for a parent to worry about is clearly unacceptable and possibly skirts very close to various legislative scenarios...”

“I believe the ad is insensitive to people who are gay”

“I believe the ad does demean people who are gay.”

“The ad positions homosexuality as something negative.”

“... Viewers see the father screw up his face as if he is looking at an alien or a growth on the boy’s face. The father’s acknowledgement that, “... you can have them straight or you try them in all sorts of different ways”, does not camouflage his fear and/or homophobia.”

“... I found this gratuitous and calculated to disparage people who identify as gay. I personally find the ad deeply offensive. The point of the ad is to offend someone and Heinz should be censored for even trying this approach, let alone for directly, albeit mildly, vilifying people who identify as gay.”

“... I find the ad offensive because there is no humour in homophobia or in parents’ inability to accept their children’s sexuality...”

THE ADVERTISER’S RESPONSE

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

“The execution in question is one of eight advertisements in the Heinz Baked Beans “Number 57” campaign. The campaign is presented as a parody on the soap opera genre and, as such, each advertisement takes the guise of an “episode”. The “series” is centred around the day to day happenings in the Johnson household, a fictitious and slightly quirky Australian family. The storylines are based on the type of family issues portrayed in Australian soap operas, such as Neighbours and Home and Away, albeit in a very tongue-in-cheek, humorous way.”

“... At no stage are the words “don’t worry” used or a similar perception stated or inferred as alleged by the complainant.”

“There is no negative implication communicated from either the father or the son. In fact, the dialogue presents a very upfront, positive and balanced view of sexuality, even in its humorous context...”

THE DETERMINATION

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

The Board was of the view that the advertisement sought to depict a potentially very awkward situation between a father and son. The Board considered that the exchange of words between the two were harmless and that there was no discriminatory reference to those people of a same sex persuasion. The Board noted that no disparaging, derogatory or demeaning comments were made in reference to people of a same sex persuasion.

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

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