



CASE REPORT

- | | |
|-------------------------------|--|
| 1. Complaint reference number | 208/09 |
| 2. Advertiser | Wrigley Co P/L (Skittles) |
| 3. Product | Food & Beverages |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Portrayal of sex/sexuality/nudity – section 2.3
Other - Causes alarm and distress to children |
| 6. Date of determination | Friday, 10 April 2009 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement from Wrigley Co P/L for its Skittles product opens in an office with a woman interviewing a man. The man has a very long beard which he uses to pick up lollies from the desk. The woman reads his resume and makes comments including that the company is looking for 'someone with more experience'. When she says this the man uses his beard to feed the woman a lolly and stroke the side of her face and then laughs. The advertisement ends with a screen shot of a packet of Skittles and the words 'Share the rainbow' and 'Taste the rainbow' appear and are also said by a male voiceover.

THE COMPLAINT

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

It is portraying sexual harassment. If he was using his hands it would not have been made. It is creepy, sexualised and clearly inappropriate. This is particularly disturbing as it is for a product ie skittles, aimed at children.

THE ADVERTISER'S RESPONSE

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

The SKITTLES® TVC launched across Australia on the 22 March 09 following a test market in Melbourne only in August and September 2007.

The key claim in this 30 second TVC is "Skittles. Share the Rainbow. Taste the Rainbow."

The creative is an execution from a US campaign of similarly slightly obscure scenarios highlighting the product experience of SKITTLES. The idea of this particular execution is that the taste experience of the product will overcome the concerns that the interviewer has with experience gap to the job that the interviewee has. The focus of the execution is the product taste experience as it is fed to the interviewer to distract them from the job experience gap. The SKITTLES Beard execution was not meant to be communicated with any sexual connotation as this goes against the values held tightly by the Wrigley Company and the SKITTLES brand.

While the creative uses an obscure humour to create viewer interest in the execution it is not intended to be directed at children. It has been publicly stipulated by Mars globally that no products will be targeted to children under the age of 13 and with respect to our media buys, we do not actively target children, and our measured buying demographics do not extend below the age of 16 for any Mars products. As such media for the campaign was purchased with a target of 16-39 year olds.

The CAD reference number is GMXEAFSF.

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 that this advertisement is portraying sexual harassment.

The Board viewed the advertisement and expressed some discomfort with the advertisement's depiction of the man's beard stroking the woman on her face. Some members of the Board expressed concern that the depiction of the man stroking the woman's face could be seen as sexual harassment, particularly as the woman is seen to be quite uncomfortable with the 'caress'. However the Board noted that the woman as the employer is in the position of power and that she exercises that power by commenting that she has someone more qualified for the position.

The Board considered that the depictions of the man's beard picking up the product and moving around was so clearly fantasy that it would be seen by most people as humorous, although possibly also somewhat distasteful.

Overall the Board considered the advertisement to be fantasy and not in breach of section 2.1 of the Code.

The Board considered that the advertisement would not be seen to have any sexual undertone and was not in breach of section 2.3 of the Code.

The Board considered that the advertisement was not directed to children and that therefore the AANA Code for Advertising and Marketing to Children does not apply.

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