



## **CASE REPORT**

1. Complaint reference number	210/98
2. Advertiser	Nestle Australia Ltd (Maxibon)
3. Product	Food
4. Type of advertisement	Cinema
5. Nature of complaint	Discrimination or vilification Other – section 2.1
6. Date of determination	Tuesday, 10 November 1998
7. DETERMINATION	Dismissed

## **DESCRIPTION OF THE ADVERTISEMENT**

The advertisement opens on a beach scene. A young man ('the first man') approaches another young man ('Matt') shouting frantically, 'There's somebody drowning out there...you've got to save them.' As Matt runs off the first says to the camera, 'That's Matt. Matt doesn't realise it yet but he's about to bite off more than he can chew.' Matt runs into the surf. The next scene is of Matt on the shore accompanied by a woman lying on the sand. The woman is of large physique and is dressed in a floral swimsuit and floral bathing cap. There is a close up of the woman's face showing her open her eyes and look at the camera and then lick her lips. As Matt leans towards her to administer mouth to mouth, the woman grabs him and wrestles him to the ground. The camera then moves back to the first man watching this and looking amused and saying, 'Oooph.' The first man then holds out a (Maxibon) ice cream and says, 'Matt, this one's for you.' The advertisement concludes with a shot of the ice cream itself accompanied by a voiceover, 'Two in one, Maxibon, for those who like to bite off more than they can chew.'

## **THE COMPLAINT**

Comments the complainant made about the advertisement included:

*'...an obese woman portrayed in a most discriminating fashion. Her style of dress indicating that she had no particular dress sense because of her size, obesity, to be something everyone should think is hilarious. She had to feign drowning to get someone to kiss her and the repulsion of the stereotype trim, taut lifesaver ...The obvious laughter of the crowd of onlookers of the stupidity the desperate woman and lifesaver trying to help her had nothing whatever to do with an ice-cream commercial just the degradation of these obese people.'*

## **THE DETERMINATION**

The Advertising Standards Board ('the 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 did not constitute discrimination or vilification and did not breach the Code. The Board dismissed the complaint.