



CASE REPORT

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| 1. Complaint reference number | 249/06 |
| 2. Advertiser | Myriad Marketing (push pops) |
| 3. Product | Food & beverages |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Advertising to Children Code – Other – section 2.4
Language – use of language – section 2.5 |
| 6. Date of determination | Tuesday, 11 July 2006 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts a boy in the back seat of a car, wondering how he can wrap and save the rest of his lollipop, when a cartoon image of a kangaroo jumps in and yells “ Hey all you lolly-lickers – how you gonna save that lollipop for later? Give me that”. The kangaroo grabs the lollipop and discards it but we see it land and stick to the hair of a girl in the front seat of the car. The kangaroo gives the boy a Push-Pop lollipop and tells him “You could be eating a Push-Pop. You push it. You lick it. You cap it. You save it. You got the push. You got the power.”

THE COMPLAINT

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

Very loud, improper language, bad example for children watching an educational program.

The use of bad grammer (sic) in the ad is an insult to all.

THE ADVERTISER’S RESPONSE

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

I agree that “It’s Academic” was not a desirable program for our prime audience of 4 – 8 year olds. This was the first complaint in two years of using these commercials. I advised (the complainant) that we do get free spots and these are at the discretion of the channel concerned. However, I suggested to her that we would request that our TVC not be shown with this program.

THE DETERMINATION

The Advertising Standards Board (‘the Board’) considered whether this advertisement breaches the AANA Code of Advertising to Children (the Children’s Code).

To come within the Children’s Code, the material being considered must be an “advertisement”. The Children’s Code defines an “Advertisement” as follows:

“matter which is published or broadcast other than via internet, direct mail, point of sale, packaging or direct distribution to individuals, in all of Australia or in a substantial section of Australia for payment or other valuable consideration and which draws the attention of the public or a segment of it to a product, service, person, organisation or line of conduct in a manner calculated to promote or oppose directly or indirectly the product, service, person, organisation or line of conduct”.

The Board decided that the material in question was broadcast in all of Australia or a substantial section of Australia for valuable consideration, given that it was being broadcast on television in Australia .

The Board determined that the material draws the attention of the public or a segment of it to a “product” being Pop Ups “in a manner calculated to promote...that product”. Having concluded that the material is an “advertisement” as defined by the Children’s Code, the Board then had to determine whether the advertisement is for a “Product”. “Product” is defined in the Children’s Code as meaning;

“goods, services and facilities which are targeted toward and have principal appeal to Children”.

“Children” are defined in the Children’s Code as being 14 years old or younger. The Board determined that the Pop Ups lollipop is a “good” targeted toward and having principal appeal to Children and accordingly is a Product.

The Board then needed to determine whether the advertisement is an “Advertisement to Children”, which is defined in the Children’s Code as meaning;

“Advertisements which, having regard to the theme, visuals and language used, are directed primarily to Children and are for Product”.

The Board noted that having regard to the product, music, theme and visuals used, the advertisement was directed primarily towards children.

The Board considered the provisions of the Children’s Code and determined that none of the provisions of the Code were applicable to the issues raised about the advertisement (the language and placement of the advertisement). On this basis the Board determined that there was no breach of the Children’s Code.

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

The Board considered the advertisement and the use of the words ‘lolly licker’. The Board considered that the language used in the advertisement was appropriate for a children’s advertisement. The Board considered that the language in the advertisement was not strong or obscene.

The Board also noted the use of poor grammar in the advertisement namely ‘gunna’. The Board considered that this language was appropriate in an advertisement to children for a lollipop.

The Board noted that the advertiser agreed that the placement of the advertisement, in the middle of an educational program, was not ideal or intended and that they would endeavour not to have the advertisement shown in conjunction with such programs again.

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