



CASE REPORT

1. Complaint reference number	267/07
2. Advertiser	Austereo Group Ltd (TripleM - The Cage)
3. Product	Media
4. Type of advertisement	TV
5. Nature of complaint	Health and safety – section 2.6
6. Date of determination	Tuesday, 11 September 2007
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features radio announcer James Brayshaw in the food court of a shopping mall sitting at a table with an over-sized hamburger in front of him. He is acting the part of an interviewee. As he burps he tells an interviewer that he listens to "The Cage". Other people are also asked their opinion of the show including a well-dressed woman who speaks lovingly about James Brayshaw and an effeminate man outside a male public toilet, holding a small dog in his arms making comments about James having tickets on himself and thinking he's good-looking, when he's not. The camera crosses back to James, eating chips and laughing. The man adds a comment that his friend Kenneth is far better-looking than James Brayshaw will ever be. The camera crosses back to James who holds up placards with the times of his show.

THE COMPLAINT

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

The ad gives the impression to children and young people that eating to excess and being grossly overweight is somehow acceptable, whimsical or "cool" behaviour. The person is depicted as popular with his colleagues despite his gluttony.

THE ADVERTISER'S RESPONSE

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

It is our submission that the advertisement does not breach the Advertiser Code of Ethics. The advertisement is clearly intended to be humorous and not to be treated seriously. We submit that a reasonable viewer would not necessarily reach the same conclusions as the complainant has about the portrayal; we would also argue that obesity is an illness that should not give rise to discrimination on the basis of physical attributes and that a person could be popular, have friends and be obese. Those who are familiar with the radio program would be aware that the character being portrayed in the manner described is the announcer; not a real person. We recognise the health risks associated with obesity, however given the tone and style of the advertisement, we do not believe that the content is contrary to prevailing community standards on health or safety.

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 complainant's concern that obesity is treated with humour and in an aspirational manner.

The Board viewed the advertisement and considered that it was an advertisement that depicted a large person supposedly eating a hamburger and chips. The Board considered that the person's obesity was not represented in any particularly positive manner and that it was unlikely that viewers would see this advertisement as a glamourisation of overeating.

The Board considered that this advertisement did not vilify overweight people in breach of Section 2.1 of the Code nor did it depict overeating in a manner that would contravene prevailing community standards on healthy eating in breach of Section 2.6 of the Code.

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