



## **CASE REPORT**

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|-------------------------------|---------------------------------|
| 1. Complaint reference number | 286/09                          |
| 2. Advertiser                 | Cadbury P/L                     |
| 3. Product                    | Food & Beverages                |
| 4. Type of advertisement      | TV                              |
| 5. Nature of complaint        | Health and safety – section 2.6 |
| 6. Date of determination      | Wednesday, 8 July 2009          |
| 7. DETERMINATION              | Dismissed                       |

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement opens in a photographer's studio where two children are about to have their photograph taken. After the photographer leaves the set to answer a phone call, the boy presses his digital watch from which the song "Don't Stop the Rock" plays. The children's eyebrows "dance" to the beat and rhythms of the song and they move their heads in time to the music and the lyrics. A packet of Cadbury dairy milk chocolate appears on the screen with the superscript "A glass and a half full of joy"

## **THE COMPLAINT**

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

*It will encourage young children to do stupid things with there eyes and if you damage them your blind for life.*

## **THE ADVERTISER'S RESPONSE**

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

### **1. INTRODUCTION**

*We understand that the Australian Standard Bureau ("ASB") has received a consumer complaint in relation to the Cadbury Eyebrows television commercial ("Eyebrows TVC"). As such, the ASB is considering whether the Eyebrows TVC depicts material contrary to Prevailing Community Standards on health and safety in breach of Section 2.6 of the AANA Code of Ethics (the "Code").*

*Cadbury takes all complaints seriously, consistent with our business principles of acting fairly and responsibly. It is never our intention to cause any offence or misunderstanding to any member of the community through our marketing activities. Accordingly, we have sought to give detailed consideration to this recent complaint in order to provide the most comprehensive and appropriate response.*

*While we are concerned that the Eyebrows TVC has caused offence to the complainant, for the reasons outlined below, we do not consider that the Eyebrows TVC depicts material contrary to Prevailing Community Standards on health and safety. As such, we do not consider that the Eyebrows TVC breaches section 2.6 of the Code or any other provision of the Code. We also do not consider that the Eyebrows TVC breaches the AANA Food and Beverages Advertising & Marketing Communications Code or the AANA Code for Advertising & Marketing Communications to Children.*

## **2. ADVERTISING CONTEXT**

*The Eyebrows TVC is the second campaign of the Glass and Half Full Productions campaign ("GHFP") for the Cadbury brand. The creative ideas of GHFP revolve around entertainment and fun. In particular, GHFP is about creating an enjoyable piece of entertainment that makes people smile and feel joy. The first execution in this series was the Gorilla campaign which aired in late 2008 and was relaunched in March 2009.*

*The Eyebrows TVC has been on air since April and has been part of a broader national campaign which has seen the relaunch of Cadbury® Dairy Milk® milk chocolate blocks. Cadbury is a brand that has enjoyed success in the Australian market and is the market leader in the milk blocks category. Over the years we have had a number of different advertising campaigns including the very successful "Wouldn't It Be Nice" campaign which was on air for over seven years.*

## **3. THE CURRENT ADVERTISING CAMPAIGN: COMPLAINT RESPONSE**

*The idea behind the Eyebrows campaign is to capture that moment of joy when you seize the opportunity to do something playful, like making a funny face as your family portrait is being taken. The commercial opens with a brother and sister in a family portrait studio. Their eyes quickly glance at each other with a spark of cheekiness. The boy presses a button on his watch and we see the children's eyebrows begin to move to the beat of the song "Don't Stop the Rock".*

*The children's eyebrows are seen to raise in time to the beat of the music in a fun and humorous way. Moving one's eyebrows is part of expressing emotion. The Eyebrows TVC is not intended to encourage children to do things which damage their eyes.*

*As such, we submit that the Eyebrows TVC does not depict material contrary to Prevailing Community Standards on health and safety and is therefore not in breach of the Code.*

## **4. CONSUMER RESEARCH AND FEEDBACK**

*Whilst making the Eyebrows TVC, we conducted comprehensive consumer research to test the positioning, tone, humor of the advertisement, as well as the general appeal and understanding of the advertising message.*

*The concept was widely liked, and was understood and accepted by the consumers. The commercial scored highly on the sort of advertisement that you would talk about with friends.*

## **5. ADVERTISING APPROVALS**

*The Eyebrows TVC was approved by CAD with a 'W' rating, which is effectively a 'G' rating. The Eyebrows TVC is not being played during C-time rated programs.*

## **6. RELEVANT STATISTICS**

*The Eyebrows TVC has aired nationally and would have reached approximately 2,900,000 people. The commercial has appeared during a range of prime time high reaching TV programs since its launch, including Underbelly, Talking 'bout your Generation and NCIS. Cadbury has not received any complaints from consumers that the Eyebrows TVC has or is likely to encourage children to damage their eyes.*

*We understand that the ASB has, to date, only received one complaint about the Eyebrows TVC. This complaint, compared with the number of times the TVC has been viewed, would suggest that the TVC does not depict material contrary to Prevailing Community Standards on health and safety.*

## **7. INTERNAL REVIEW PROCEDURES**

*Cadbury is a responsible advertiser. All advertising is subject to numerous internal reviews, including by our Legal department and our Corporate Communications team, to ensure that it complies with all legal and ethical requirements, including the Code and our Cadbury Global Marketing Code of Practice.*

## **8. CONCLUSION**

*In summary, we reiterate that Cadbury treats any complaint with the greatest of respect and always endeavours to fully understand what is driving the concern. Our considered assessment is that the Eyebrows TVC does not depict material contrary to Prevailing Community Standards on health and safety. The Eyebrows TVC was intended to entertain through the use of humour, and bring fun and joy to those who see the commercial.*

*As such, we submit that the Eyebrows TVC does not in any way breach section 2.6 of the Code or any other section of the Code. We also submit that the Eyebrows TVC does not breach the AANA Food and Beverages Advertising & Marketing Communications Code or the AANA Code for Advertising & Marketing Communications to Children.*

## **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 the advertisement encourages children to undertake behaviour that will damage their eyes.

The Board viewed the advertisement and noted that computer generated enhancements to the advertisement make it appear that the children are making funny movements with their eyebrows and mouths. The Board considered that any attempt by a child attempt to mimic the actions of the children would be shortlived and very unlikely to result in any damage to children's eyes or sight. The Board considered that the advertisement did not depict material contrary to prevailing community standards on health and safety and did not depict material that may encourage children to engage in dangerous activities.

The Board considered that the advertisement did not raise any issues under the AANA Code for Advertising and Marketing Communications to Children or the AANA Food and Beverages Advertising and Marketing Communications Code.

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