



CASE REPORT

1. Complaint reference number	287/04
2. Advertiser	H J Heinz Co Australia Ltd (Imperial Garden)
3. Product	Food
4. Type of advertisement	TV
5. Nature of complaint	Other - Causes alarm and distress to children
6. Date of determination	Tuesday, 9 November 2004
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

The advertisement depicts a man getting hit by a truck as he leaves an Asian takeaway shop. An Asian philosopher out the front of the shop says that a man who goes out for takeaway is a man of poor judgment and that Imperial Garden from your freezer is as good as takeaway but much safer.

THE COMPLAINT

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

"I found this ad sickening, offensive, unrelated to selling food, out of context with selling food and gives the wrong message to children who watch it."

"Both my sister and I were watching the advertisement and were immediately shocked and sickened by the vision of someone being struck by a truck. I feel that there is no need to use such shock tactics for a simple fast food advertisement."

THE ADVERTISER'S RESPONSE

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

"The message has deliberately been treated in a humorous way to depict one of the 'perils' of going out for takeaway. And is further punctuated by the 'Confucius-like' comments from one of the characters."

"This hyperbole and slapstick nature plays out in the final scene, where we see the man comically stuck to the front of the vehicle, alive and well."

"Our intention was not to offend, but to communicate the benefits of Imperial Garden in a humorous and slightly absurd way."

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches section 2 of the Advertiser Code of Ethics (the "Code").

The Board was of the view that in the context of prevailing community standards, the majority of people would find this advertisement humorous rather than offensive.

The Board found that the depiction did not contravene the provisions of the Code relating to alarm and distress to children and/or violence.

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