



CASE REPORT

1. Complaint reference number	316/05
2. Advertiser	Golden Circle Ltd (Original Juice Co)
3. Product	Food
4. Type of advertisement	TV
5. Nature of complaint	Discrimination or vilification Gender - section 2.1
6. Date of determination	Tuesday, 8 November 2005
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

The opening scene in this television advertisement depicts a porcupine standing by a fire hydrant in front of a city hotel. A voiceover states: *“Here’s an original fact. In Florida, it is illegal to be intimate with a porcupine”*. At this point, a young prostitute approaches the porcupine and asks: *“So, girlfriend, how’s business?”* As a car passes slowly by, the porcupine is heard to sigh. The voiceover then goes on to say: *“Here’s another original fact. This premium Original Juice contains no concentrate, no added sugar and no preservatives. It is the original fruit juice. There’s nothing weird going on here”*. The final scene shows the prostitute and the porcupine still waiting by the side of the road for business.

THE COMPLAINT

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

“It is absolutely obscene and I really don’t know what you guys are letting through now. Do you understand that children watch TV too...”

“It is highly suggestive of bestiality and prostitution. These concepts should not be on television during the hours when children could be watching...”

“... I presume that it was perhaps an attempt by the advertisers at humour but I believe it is in extremely bad taste and I question the relevance this has to orange juice. I object to the ad on the grounds of its inappropriate “portrayal of sex” and as a Christian I find this degrading.”

THE ADVERTISER’S RESPONSE

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

“The lead female character is not depicted in any way which discriminates against or vilifies females in general or females working in this particular area.”

“The strategy behind the concept is to take a strange and weird fact that exists in real life and contrast it with the Original Juice product which is pure and natural in a fun and entertaining manner...”

“Although the fact itself, “in Florida, it is illegal to have intimate relations with a porcupine”, has an implication of strange behaviour, there is no literal depiction of any strange or unsavoury behaviour within the execution. The ad has been executed in a light-hearted and ridiculous manner to bring the “weird” and “not weird” contrast to life without offending the audience in anyway.”

“... The execution is purposely staged in a ridiculous manner to ensure that it could in no way be interpreted as a real situation involving real people.”

“... the tone is deliberately academic and informational rather than lewd. The relationship between the female character and porcupine is depicted as one of “working colleagues” only. There is absolutely no suggestion, hint or implication of bestiality.”

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 the majority of people would find this advertisement humorous rather than offensive. The Board considered that the advertisement was built around the obscure fact that in Florida there is a law against “being intimate with a porcupine”. The Board considered that the majority of people would understand that the focus of the advertisement was the obscurity and “weirdness” of this fact and that the advertisement was not concerned with bestiality or prostitution.

The Board found that the advertisement did not contravene the provisions of the Code relating to the portrayal of people (sex).

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