



CASE REPORT

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| 1. Complaint reference number | 332/07 |
| 2. Advertiser | Ferrero Australia Pty Ltd (Bueno) |
| 3. Product | Food & Beverages |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination | Tuesday, 9 October 2007 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on a woman in an office watching a young man using the nearby photocopier. Then as she eats a block of Bueno chocolate she explains dreamily "Because I just got an office with a view..." Another scenario shows a creative woman decorating a large space and as she eats the chocolate she muses "Because I've finished...". The next scene features a woman in a luxurious bubble bath with eyes closed and whispering "Because sometimes I like to please myself..." A bar of Bueno chocolate is then shown and described as a voice asks another young woman "Bueno - what's your reason?" to which she replies "Because it's Bueno".

THE COMPLAINT

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

It is apparent she is simulating masturbation. This ad is pushing the boundaries too far. Simulating masturbation, even for only a few moments on air, has no place on a television ad.

THE ADVERTISER'S RESPONSE

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

The consumer insight driving this Bueno commercial is "The life I enjoy is complex because there are many roles I play and many sides to who I am. When it comes to enjoy 'me time' I like to reward myself with a light indulgence".

There are a number of scenes shown in a sequence to show the different times and places in which you can enjoy a Bueno chocolate, the idea being that whatever your reasons, you can have a Bueno. The commercial overall is light hearted, feminine and gentle, and identifies with times when girls take time out to enjoy themselves and relax.

In the bath scene, the woman is having time out in a bath relaxing with a chocolate. The scene creates a relaxing mood, strengthens the idea of 'me time' and indulgence, and associates with things that girls like, such as relaxing in a bath and enjoying a chocolate moment. The bath scene was found to be evocative and crucial in creating emotional relevance for the viewer. The commercial was not intended to portray the behaviour as suggested in the complaint and there is nothing in the imagery shown that is overtly sexual. The commercial is subject to some level of association in the mind of each viewer and this, as with any short piece of communication, is dependant on the individual's experiences and interpretation. However we do not believe that there is any inappropriate treatment of sex, sexuality or nudity.

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 suggested masturbation.

The Board viewed the advertisement and agreed that most people would not consider that the advertisement suggested masturbation. Rather the Board was of the view that the image was clearly that of a woman having a relaxing bath. The Board considered that this was not at all sexual and did not breach section 2.3 of the Code.

The Board also considered the depiction of the woman enjoying the view of the young man. The Board considered that this image was not demeaning to the man and did not amount to discrimination against or vilification of men or to sexual harassment in the workplace. The Board considered that this part of the advertisement did not breach section 2.1 of the Code.

The Board also considered that the images of the women eating the product were not sexually suggestive.

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