



## **CASE REPORT**

1. Complaint reference number	351/06
2. Advertiser	Kellogg Australia Pty Ltd (All Bran)
3. Product	Food & Beverages
4. Type of advertisement	TV
5. Nature of complaint	Other - Social values
6. Date of determination	Tuesday, 12 September 2006
7. DETERMINATION	Dismissed

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement depicts a female TV news reporter relaying “Twenty years after being jailed for defying a court order, Derryn Hinch is facing another stint behind bars”. As Derryn is shown in the background standing outside what appear to be a courthouse, the reporter asks “What have you done this time, Derryn?” Derryn replies that it’s all a mistake – that this time he is in reality “getting right behind Kellogg’s All-Bran Baked Bars. And why wouldn’t I – with mouth-watering sultanas and just a hint of cinnamon they’re beautiful, moist and oven-baked. In fact, you wouldn’t believe a snack with fibre could taste so delicious!” The news reporter concludes “Don’t just take Derryn’s word for it – for a delicious snack try new Kellogg’s All-Bran Baked Bars for yourself”.

## **THE COMPLAINT**

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

*The add (sic) about Darren (sic) Hinch being behind bars again was in extreme bad taste since the last crime he was charged with was the rape of a women (sic)*

## **THE ADVERTISER’S RESPONSE**

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

*(The complainant’s) claim that Mr Hinch was charged for the rape of a woman is incorrect. One can only suppose that she is referring to the allegations made against Mr Hinch by Ms Martinek. I note that it has been reported in the media that the Victorian Office of Public Prosecutions has recommended that no charges be laid.*

*The television commercial was created before Ms Martinek’s allegations were made; and includes a reference to the time Mr Hinch served in prison for contempt of court. The commercial, for a snack bar, is simply a light hearted play on the words “behind bars”.*

## **THE DETERMINATION**

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