



CASE REPORT

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| 1. Complaint reference number | 37/07 |
| 2. Advertiser | Nestle Ice Cream (Peters Drumstick) |
| 3. Product | Food & Beverages |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Discrimination or vilification Gender - section 2.1
Violence Other – section 2.2 |
| 6. Date of determination | Tuesday, 13 February 2007 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement takes a nostalgic look back at the experiences we remember as children with background music and lyrics "Give a little time for the child within you" as we see a multitude of couples arriving at a public swimming pool and placing towels in rows on the ground to sit on. As they sit, the couples reach for sun tan cream and all automatically begin smearing it on the back of the person in front of them, then reversing to do the same for those behind. The women then line up alongside the pool as the men take the other side, then all jump into the water together, surfacing in neat rows. Back ashore, the swimmers are seen to adjust the bottoms of their costumes, tap their heads as if to remove waters from their ears and flap their hands to shoo away flies. As they all lean back on their elbows to sunbathe, a single attractive young woman in a white bikini starts to walk between the rows. As all the mens eyes follow the woman, the other females slap the men on the head to revert attention. All the swimmers reach for a Drumstick from their Esky and begin to eat them, ceasing in shock as one member of the group removes the base of the Drumstick wrapper and bites off the bottom of the cone with a loud crunch. Realising this might be a cool idea, the all do the same. The scene finishes with an aerial shot of hundreds of couples arranged neatly around an outdoor public swimming pool and a female voicover "A Summer Classic. Drumstick. Since 1963".

THE COMPLAINT

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

With all of the government ads saying that violence against women is not acceptable & make it look like men are the instigators, this ad propagates this myth by encouraging women to strick men in certain circumstances (like when he looks at another woman) as in this instance. Now if he struck her back after being hit like that he would be accused of being a woman basher. I say violence against people australia says no & in this instance it should not be shown as a good example to be violent.

The ad promotes family violence, which is criminal.

This depicts battery and violence against the male. This is against all moral standards of battery and domestic violence.

It is time to stamp out the hypocrisy of the standards and apply the same set of standards to both male and female genders.

This shows a row of girls in bikini costumes obviously uncomfortable with the rear of the bikini in their private parts...I think it is disgusting the way these girls have to almost penetrate their rectum to release the garment from their rear end.

THE ADVERTISER'S RESPONSE

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

We believe that the Drumstick TVC in question does not violate against the codes in Section 2 of the AANA Code of Ethics. We believe this ad is in compliance with and upholds the standards of this code.

THE DETERMINATION

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

The board viewed the advertisement and considered whether it breached Section 2.2 of the Code dealing with violence.

The Board considered the image of the woman clipping the men on the back of head was mild and comical and that the humorous nature of the incident detracted from any notion of true violence in the advertisement.

The Board then considered whether the advertisement breached Section 2.1 of the Code dealing with discrimination.

The Board agreed that the images of the men taking notice of the attractive woman did not amount to discrimination against, or vilification of, a gender. The Board concluded that the advertisement did not breach Section 2.1

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