



CASE REPORT

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| 1. Complaint reference number | 410/06 |
| 2. Advertiser | Stuart Alexander & Co Pty Ltd (Mentos Ice Gum) |
| 3. Product | Food & Beverages |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Discrimination or vilification Gender - section 2.1
Portrayal of sex/sexuality/nudity – section 2.3
Health and safety – section 2.6 |
| 6. Date of determination | Tuesday, 10 October 2006 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement begins with a man at a beach who takes a packet of Mentos Ice gum out of his pocket and eats a piece. Due to the cooling effect of the gum, it makes the hair on his chest stand up and his nipples to grow. Music starts to play as he walks down the corso and people stop to look at him. He then catches a Frisbee on his nipples, runs them along a fence, hangs his sunglasses off them, “scratches” discs on a DJ turntable and presses a button in a lift. A girl joins him in the lift and the doors close as he offers the girl a piece of gum with a bemused look on his face. The voiceover then says “Stay cool ‘n icy fresh – Mentos Ice Chewing Gum’.

THE COMPLAINT

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

I find it's (sic) treatment of male nudity as a parody of a natural female condition, as disrespectful, distasteful and just moronically cheap gimmick (sic)...and just offensive in it's (sic) stupidity.

...2 inch long nipples have nothing to do with mints

Unrealistic and rude and made me feel ill....

...the sexual insinuation implied towards the end

Extremely sexually provocative

...the public exhibitionism of a part of the human body that clearly was alluding to male erections, female breasts and the parallel with the use of Viagra to achieve erections and social success.

It is stomach churning...

It looked pornographic...The fact that this product is supposed to bring your nipples out is having a go at women.

This is an inappropriate reference to sex and sexuality.

I felt that the sexual message conveyed and the unhygienic act of using body parts to touch public property was highly inappropriate.

THE ADVERTISER'S RESPONSE

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

The advertisement is a light hearted and tongue-in-cheek campaign designed to appeal to 16 to 24 year old men and women;

The campaign is not intended to offend and instead draw, in a humorous manner, on the “icy” and “cool” nature of the Mentos Ice gum through its physical effects on the main character (a man) and as he progresses from an ordinary man alone on the beach to a popular and “cool” one once the Mentos Ice gum has taken effect;

While the advertisement may be perceived as having sexual undertones, it is appropriate given the target audience and the times at which it is shown. The male character is first seen on a beach without a t-shirt. In summer months, it is not unusual or inappropriate for men to be seen without shirts, even at night. His lower body is covered at all times and at no stage is he seen in an obviously or overtly sexual pose, nor are any of the women appearing in the advertisement;

The advertisement does not depict material contrary to prevailing community standards on health and safety in that:

- apart from the main character’s bare chest, it does not depict nudity;*
- it is not sexually aggressive or explicit;*
- it does not suggest sexually inappropriate behaviour; and*
- it does not contain strong or obscene language or provocative text.*

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 the content of the advertisement contravened the Code’s approach to sex, sexuality and nudity. The Board noted that the advertisement contains only upper-body nudity and that the appearance of the contrived, hyper-erect nipples on the central male character was depicted as a result of the cold ‘temperature’ of the product rather than sexual contact or sexual arousal. In this context, the Board also noted that the advertisement was intended to be humorous rather than sexually explicit by virtue of the unrealistic, over-exaggerated nature of the male character’s extended nipples.

The Board noted complaints that the advertisement may have discriminated against women. The Board considered these comments in view of the nature of the physiology depicted and the interaction between the men and women in the advertisement. The Board noted that the central character was male and that, although erect nipples are normally a physiological response associated with a sexually-aroused woman, erect nipples can occur in the male physiology also. In this context the Board again noted that the ‘change’ in the male’s physiology was caused by imaginary coldness, not sexual stimulation. On this basis the Board determined that the advertisement did not vilify or discriminate against women.

The Board also noted that a complainant had expressed health and safety concerns in relation to the scenes featuring the male character using his nipples to push elevator buttons, to play records and so on. The Board considered the actions of male character and determined that the advertisement did not depict material contrary to prevailing standards on health and safety in view of the context of the humour employed and the unrealistic nature of the physiology depicted in the advertisement.

The Board noted that many of the complaints received dealt with the tastefulness of the advertisement, including comments that the advertisement was ‘repugnant’, ‘gross’ and ‘moronic’ and made some viewers feel sick. The Board agreed that some people would find this advertisement tasteless but the Board agreed that most people in the community would see the humour in the advertisement and would not find it so offensive that it should be taken off the air.

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