



## **CASE REPORT**

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| 1. Complaint reference number | 454/07   |
| 2. Advertiser                 | Jamba! GmbH (Jamster - Duncan the Drunken Reindeer)  |
| 3. Product                    | Mobile phones/SMS  |
| 4. Type of advertisement      | TV   |
| 5. Nature of complaint        | Discrimination or vilification Religion – section 2.1<br>Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination      | Wednesday, 16 January 2008   |
| 7. DETERMINATION              | Dismissed  |

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement features a cartoon reindeer standing next to a pile of Christmas presents and a decorated tree, obviously drunk - with a beer bottle in his hand, endeavouring to render his own version of "Silent Night" in his stupour. He is decorated with lights tangled around his antlers, and bells hung around his waist, and dangling down in front of him. The bells sway as he moves his hips. A female voiceover announces "Get the Gentle Drunken Duncan on your mobile for Christmas. Subscribe and get Duncan's absolutely wasted video ringtone. Text DD1. Or for Drunken Duncan's delightful realtone, text DD2 and send to 194 000. Merry Christmas from Jamster...and Duncan. Say goodnight, Duncan."

## **THE COMPLAINT**

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

*Duncan the drunken reindeer (cartoon) was moving around the screen, gyrating his hips making 2 blocks hanging from his groin wobble. The blocks were obviously designed to portray testicles. I found it offensive as did my 10 and 13 year old daughters who were also watching the show. I thought the ad was inappropriate at any time, but particularly during the broadcast of an afternoon family show.*

*The ad was advertising a "wasted" reindeer drunken duncan ringtone singing silent night. Reason for Concern: 1) promoting drunkenness when there are so many ads promoting the sensible use of alcohol 2) the reindeer had 2 christmas balls that were suggesting that they were its testicles. 3) the reindeer performed pelvic thrusts. Not at all appropriate for consumption by the general tv audience.*

*A drunk moose staggering around singing christmas carols visibly drunk with 2 jingle bells suggestively hanging between his legs. A product that is so targeted towards a children market glorifying being drunk.*

*Shows a drunken reindeer who has 2 jingling balls, hanging by a rope from his waist and reising against his genitals which he jingles by a suggestive movement of his pelvis, while singing Silent Night and then falling down flat on his face. This ad is very offensive to me and my family and I am sure to a lot of Christian people.*

## **THE ADVERTISER'S RESPONSE**

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

*We have received (a) complaint regarding the "Drunken Duncan" commercial (653 series) and to*

*be more exact referring to the content within the spot pertaining to the gyration of an animated deer's hips. We at Jamster have taken serious note of this complaint, and have undertaken an internal review of the complaint(s) and through this response seek to address the issues raised.*

*We have read through the frustrations of the complainant in relation to the advertisement in which there is claimed to be "offensive" and "inappropriate" actions performed by a cartoon deer. In relation to the content and the complaints themselves: The "blocks" that are referred to by the complainant are in fact bells in line with the song being sung "Silent Night". The complainant refers to section 2.3 stating there is a portrayal of sex/sexuality/nudity. Jamster will not in this letter attempt to address the fact that a cartoon deer is not wearing any pants as we will not attempt to redress obvious biological associations concerning a naked deer. The bells Drunken Duncan is obviously wearing around his waist appear approximately just above his knee region they are also tied around his waist clearly by a piece of rope which is clearly seen to appear around his waist, which should cause no confusion for a grown man nor his children that this is in fact not testicles but a belt with bells on it. This in our moral standing does not perpetuate sex nor any sexual act nor the portrayal of terribly offensive "deer testicles" which have caused the complaint here.*

*Jamster takes this complaint and concerns of these nature very seriously and we remain in the belief that the advertisement in question "Drunken Duncan" is one which has taken every possible precaution to ensure there is no possible way of associating male testicles. The TVC in question does have a humorous edge to it, however, to find this advertisement offensive through the assumed perception that Drunken Duncan's bells could be portrayed as testicles is simply excessive fantasy.*

*Through this letter we at Jamster feel as if we have addressed the main issues in concern.*

*We will continue to defend the airing of this advertisement in its original form however we can not, and will not defend people's creativity in assuming /fantasising.*

*Jamster intends to be a leader in social standards and as a result of this action we feel as if the issues raised by the complainant will now have been solved as a result of our reply.*

## **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 complainants' concerns that the advertisement is sexually suggestive, glorifies excessive alcohol consumption and is offensive to Christian people as the reindeer sings a Christmas carol in a drunken manner.

The Board viewed the advertisement. The Board considered that the depiction of the bells, which some complainants' thought suggestive of testicles, was clearly a depiction of bells fixed to a belt around the deer's middle. Although hanging loosely around the deer, the Board considered that the bells were clearly depicted as bells and were unlikely to be considered sexually suggestive or a depiction of testicles.

The Board noted also that on several occasions the deer swings his hips to jingle the bells. The Board accepted that some people might consider this sexually suggestive but considered that most people would take the advertisement for what it clearly depicts - a cartoon reindeer dancing to a Christmas carol. The Board considered that most people would not consider the advertisement sexually suggestive. The Board determined that the advertisement was not overtly sexually suggestive and was not in breach of Section 2.3 of the Code.

The Board noted that the deer is depicted drinking from a bottle and would be likely to be considered by viewers as drunk. The Board considered that the advertisement's depiction of the deer is not seriously suggestive of excessive alcohol consumption nor is it likely to be seen as condoning excessive or any alcohol consumption by young people or adults. The Board considered that the depiction of a cartoon character in a manner that is suggestive of drunkenness is not of itself a depiction of material that is contrary to prevailing community standards on health and safety and does not breach Section 2.5 of the Code.

The Board also considered that the use of a Christmas carol by a cartoon character in an 'unholy'

environment is not of itself offensive or vilifying of Christianity and does not breach Section 2.1 of the Code.

The Board considered that most people would view the advertisement as a advertisement that is intended to have a humorous Christmas theme and would not find it offensive.

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