



CASE REPORT

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| 1. Complaint reference number | 553/09 |
| 2. Advertiser | Parmalat |
| 3. Product | Food & Beverages |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Health and safety – section 2.6 |
| 6. Date of determination | Wednesday, 9 December 2009 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

The television advertisement opens on a truck traveling at speed over a country highway. The words, ‘filmed under controlled conditions’ are superimposed on screen, briefly, at the beginning of the advertisement. The truck is closely followed by a utility being driven in reverse. Leaping from the back of the ute to the truck, a man gains access to the cargo of IceBreak drinks and picks up a crate of them. Rather than transferring the crate to his associates in the ute, he stops to drink one himself. A closing caption announces ‘Real Coffee Ice Cold. Bring it on.’

THE COMPLAINT

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

What on earth are advertisers thinking--this sends a terrible message about dangerous driving and foolhardy stunts to young people to whom it is marketed. If this ad could be removed it would do our community a real service.

Demonstrates extremely dangerous driving situation. The leap onto the truck is stupid and not believable. There is no message to say that the ad was made under closed road conditions or that it was faked. Copy cat idiots could try to do something similar.

I believe the advertisement displays extremely foolish and dangerous driving and other behaviour which young people may be encouraged to copy.

Depiction of speed. if you cant use speed to advertise a car what makes a drink different. Guy riding in back of the ute. This is an illegal activity on Australian roads.

THE ADVERTISER’S RESPONSE

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

This television advertisement promotes Parmalat’s top selling Ice Break flavoured milk product which has a target market of males aged 18-29. The advertisement was launched in 2001 and has aired extensively not only on television, but also in cinemas and on the Internet in the eight year period since.

In 2001, similar complaints were made regarding this advertisement and the Board determined that the material within the advertisement did not breach the Code and dismissed the complaint. I have attached a copy of the Case Report dated 12 June 2001 for your information.

Parmalat refutes the claims that the advertisement “makes speeding and dangerous stunts look like fun” or encourages stealing, as the advertisement is clearly fanciful in nature.

The theme of the overall advertisement is “unbelievable” action, that is, the action that occurs is fanciful in nature and similar to that of a Hollywood action movie. The idea that a ute can be driven in reverse along a straight road over a considerable distance is clearly unbelievable. The act then of jumping from the moving ute to a moving truck over an impossible distance with two toilet plungers is also clearly unbelievable.

The most recent complaint also states that the ute is travelling at high speed, a claim that cannot be substantiated. No suggestion is made in the advertisement that the ute is travelling in excess of the speed limit.

Parmalat submits that the above complaints should be dismissed on the same basis as the 2001 ruling - that being ‘the actions depicted in the advertisement are clearly exaggerated and appeared to be parodying a Western-style film’.

The advertisement has recently (November 2008) received an updated CAD rating of PG. Commercials which comply with the PG classification criteria in Section 2, Appendix 4 of the Code of Practice and which contain careful presentations of adult themes or concepts which are mild in impact and remain suitable for children to watch with supervision.

We reiterate our view that the advertisement does not contravene Section 2 of the 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 noted the complainant's concern that the advertisement portrayed improper behaviour as being ok, that it depicts dangerous driving and illegal activities.

The Board noted the advertiser's response and viewed the advertisement. The Board considered that the various actions and activities in the advertisement are clearly exaggerated and appeared to be parodying a Western-style film. The Board considered that many of the depictions in the advertisement were not possible to be done (such as leaping across the space and landing on the truck door with toilet plungers). The Board considered that the advertisement was exaggerated and unrealistic and was not likely to encourage dangerous behaviour or condone illegal activity (including stealing). Accordingly the Board determined that the advertisement did not depict material contrary to prevailing community standards on health and safety. The Board determined that the material within the advertisement did not breach the Code on these or any other grounds and dismissed the complaints.