



## CASE REPORT

1. Complaint reference number	590/09
2. Advertiser	Reckitt Benckiser
3. Product	House goods/services
4. Type of advertisement	TV
5. Nature of complaint	Language – use of language – section 2.5 Health and safety – section 2.6
6. Date of determination	Wednesday, 9 December 2009
7. DETERMINATION	Dismissed

## DESCRIPTION OF THE ADVERTISEMENT

The TVC features animated flies and cockroaches feasting on food stuffs left unattended in the Kitchen. As the mother enters the room and switches on the light, she recoils in horror at the sight of the insects. The woman is then shown placing a can of Mortein Natureguard in a dispenser and attaching the dispenser on the wall. The next image and voice over depicts the aerosol being regularly and automatically released by the dispenser. The product is depicted as leaves floating in the room. The leaves are then depicted as turning into spears and are then shown to spear through the insects. Final scene shows the animated fly being zapped by the product.

## THE COMPLAINT

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

- 1. showing offensive content, especially at a time when families would be eating.*
- 2. using offensive, inappropriate language; " i think i'm gonna throw up " is hardly language that i would want my children repeating after a meal.*
- 3. it is another example of advertisers assuming the majority of the television audience are idiots. this ad is not humorous, it is highly offensive and should be withdrawn.*

*Although the insects are cartoons, I found the use of 'stabbing' unnecessarily violent. There is no need to have the insects being stabbed - I am concerned as to what children might think (do) if they decided to mimic this advertisement.*

*I believe this fits with 2.2 Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.*

## THE ADVERTISER'S RESPONSE

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

*The Complaint consists of 2 separate complaints, however the nature of the complaints cover three subsections of Section 2 of the AANA Code Ethics ("Code"), namely section 2.2, section 2.5 and section 2.6. For ease of convenience we respond to both complaints in this response as follows:*

### **Section 2.2 of the Code**

*6. One complainant alleges that the Advertisement is in breach of section 2.2 of the Code because "although the insects are cartoons, I found the use of 'stabbing' unnecessarily violent. There is no need to have insects stabbed -I am concerned as to what children might think (do) if they decide to mimic this advertisement."*

7. Section 2.2 of the Code states:

2.2 Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

8. Our advertising agency has the following to say in response to this aspect of the Complaint:

"Louie the Fly is a cartoon character and for more than 50 years Mortein advertisements have shown Louie the Fly being killed by Mortein in comical and elaborate ways. As a point of reference, Louie is shown being electrocuted at the end of all Mortein advertisements, dying in a theatrical and over the top manner. Louie's death and how Louie dies is an integral part of Louie the Fly's cartoon-style humour and while in real life, death of course shouldn't be entertaining, in a cartoon the concept of killing a fly can be shown in a manner that isn't unpleasant or upsetting to watch. We don't believe that Louie the Fly is any more violent than other cartoons shown on children's television. The Mortein Naturgard leaves that turn into spears are a graphically creative device to show how the natural ingredients in Mortein Naturgard's Automatic Insect Control System (AICS) are effective in killing both crawling and flying pests in the home."

9. In light of the above, we do not agree that the depiction of the manner of Louie's death is unnecessarily violent. If anything, as confirmed by our advertising agents, the manner of Louie's death is, in line with his cartoon nature, both comical and theatrical (as is his death at the end of the Advertisement when Louie is struck by a lightning bolt). Further, employing the creative device of a leaf morphing into a spear in the Advertisement is simply emphasising the power of nature as the product's active ingredient, pyrethrum, is a natural insecticide that is extracted from the pyrethrum daisy.

10. Accordingly, in our view, the Advertisement is not in breach of section 2.2 of the Code.

### **Section 2.5 of the Code**

11. The other complainant alleges that the Advertisement is in breach of section 2.5 of the Code because "using offensive, inappropriate language;" "I think I'm gonna throw up" is hardly language I want my children repeating after a meal."

12. Section 2.5 of the Code states:

2.5 Advertising or Marketing Communications shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided.

13. Our advertising agency has the following to say in response to this aspect of the Complaint: "The Naturgard AICS 'Buffet' 30" advertisement referred to in the letter of complaint targets female grocery buyers aged 25-54. The set-up and dialogue around Louie the Fly are creative devices employed to dramatise the very real fact that Louie and his Cockroach friends have been spreading germs and liberally feeding on the family's food. As the house is originally not protected by Mortein Automatic Insect Control System (AICS) there has been nothing to prevent their disgusting ways. The phrase 'I think I'm going to throw up' is used to:

1. Expose how much contact pests can have with your food
2. Support the visualisation of how disgusting pests coming into contact with human food is
3. Highlight the threat of pests spreading germs and disease in people's homes.

For 50 years Louie the Fly has been depicted with disgusting human-like characteristics; this phrase is a typical example of Louie the Fly's cartoon-style humour. The 'Buffet' advertisement is meant to be entertaining and engaging for viewers, while at the same time drawing their attention to the real-life problem of pest control. The cartoon character allows us to communicate this problem without having to show real pests spreading germs on your food, which we believe would be unappealing to watch on TV."

14. In light of the above we do not agree that the words "I think I'm gonna throw up" in the context of the Advertisement is "using offensive, inappropriate language". Moreover, the language used emphasises Louie's disgusting nature (remember, Louie has, since the 1960s been portrayed as "bad and mean and mighty unclean") and as painted out by our advertising agents is a typical example of Louie's cartoon style humour. Indeed, in line with Louie's "bad boy" image, one would expect Louie to have bad table manners.

15. Accordingly, in our view, the Advertisement is not in breach of section 2.5 of the Code.

### **Section 2.6 of the Code**

16. *Of a more general nature, the Complaint alleges that the Advertisement is in breach of section 2.6 of the Code, presumably because the Advertisement may be perceived as depicting material contrary to Prevailing Community Standards on health and safety.*

17. *Section 2.6 of the Code states: Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.*

18. *The question therefore is twofold:*

*(a) what are the Prevailing Community Standards on health and safety in the context of how consumers protect their homes and families against flying and crawling insects?; and*

*(b) does the Advertisement depict material that is contrary to the Prevailing Community Standards on health and safety?*

19. *The term "Prevailing Community Standards" is defined in the Code to mean "the community standards determined by the Advertising Standards Board as those prevailing at the relevant time, and based on research carried out on behalf of the Advertising Standards Board as it sees fit, in relation to Advertising or Marketing Communications".*

20. *Subject to any research that the Board may carry out as it sees fit, the prevailing community standards relating to how consumers may protect their homes and families against flying and crawling insects could be many and varied, however in our view a common approach would be to use a household insecticide, whether a manual aerosol or an automatic insect control system as depicted in the Advertisement.*

21. *The Advertisement depicts a mother being concerned about Louie and his cockroach friends spreading germs in the family home. Louie is portrayed as his usual comedic and theatrical bad mannered disgusting self. To protect the family home from such pests, the mother introduces Mortein Naturgard in which the product's natural insecticide active ingredient is represented graphically as a leaf that morphs into a spear and kills Louie and his friends. In our view, the depiction in the Advertisement of Louie and his friends and how the mother protects the family home against them, especially when you take into consideration Louie's well-known character and the natural aspect of the product's active ingredient, does not depict material that is contrary to the Prevailing Community Standards on health and safety.*

22. *For the reasons set out in this response we strongly believe that the Advertisement complies with Sections 2.2, 2.5 and 2.6 of the Code (and the Code generally) and urge the Board to dismiss the Complaint.*

## **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 complainant concerns that the advertisement used inappropriate language, was inappropriately violent, depicted unhygienic household practices and was generally unpleasant.

The Board noted that the advertisement depicts cartoon animated bugs in a typical home. The Board considered that the images of the bugs being 'killed' by the advertised product was animated, not realistic and was in any case relevant to the product (an insect repellent). The Board considered that the violence in the advertisement did not breach section 2.2 of the Code.

The Board noted that one of the bugs refers to 'throwing up' which is a description of how a bug feeds on food. The Board agreed that this reference was likely to be unpleasant for some members of the community, but considered that the reference was not strong or obscene and was not inappropriate in the context of an advertisement for an insect repellent which depicts insects feeding. The Board determined that this advertisement did not breach section 2.5 of the Code.

The Board noted that the advertisement depicts animated insects in a kitchen and home and that this depiction is clearly a depiction of a situation that most people try to avoid by use of the product and good hygienic practices in the home. The Board determined that this is not a depiction of material that would contravene prevailing community standards on health and safety and did not breach section 2.6 of the Code.

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