



CASE REPORT

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| 1. Complaint reference number | 61/04 |
| 2. Advertiser | Nestle Confectionery (Minties) |
| 3. Product | Food |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Health and safety – section 2.6 |
| 6. Date of determination | Tuesday, 13 April 2004 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

The advertisement depicts a business man standing at the bus stop next to a young girl. A dog pees on the man's foot and the young girl offers him a Mintie. The tagline is "Its moments like these you need Minties."

THE COMPLAINT

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

"I was alarmed when my young daughter said to me "So would it be alright for me to take a Mintie from someone?" She was inferring to being taught to never take a lolly or whatever from a stranger, and to never pick up a wrapped/unwrapped lolly that she may find. I am concerned that other young children may also make the same inference."

THE ADVERTISER'S RESPONSE

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

"The creative was structured around the classic "Minties Moment" mechanic that has been well established over many years."

"A lady, cast as the 'girl's mother' is standing next to the girl at this point in the commercial. This was deliberately organized to relieve any concerns that the girl is waiting for the bus on her own."

"The advertising in no way was intended to infer that children should accept lollies from strangers, it was intended to create an innocent Minties Moment that is shared by the businessman and the girl who finds his predicament amusing."

THE DETERMINATION

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

The Board found that the depiction did not contravene the provisions of the Code relating to health and safety. Further finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.