



CASE REPORT

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| 1. Complaint reference number | 71/08 |
| 2. Advertiser | Woolworths Supermarkets (Celery Man) |
| 3. Product | Retail |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Advertising to Children Code - Food & beverages – section 2.4
Other - Causes alarm and distress to children
Food and Beverage Code – other |
| 6. Date of determination | Wednesday, 12 March 2008 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a young schoolboy, Nick, preparing a snack and relating "When I come home from school, I like to make myself a celery man". Cutting up portions of celery, carrots, tomato, apple slices, cucumber and a sultana, he explains "He's got green hair and orange arms and a red hat and white shoes, and green trousers and black buttons. He's very handsome. But he hasn't got long to live." With the words "Goodbye cruel world!" Nick pops the celery man's head into his mouth with a grin and bites it off.

THE COMPLAINT

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

I see the humour in this Ad, but I'm concerned about directing an Ad at children and presenting thoughts of death. I say this because my 5 year old child was upset about something a few months ago and would just sit by himself and say he wanted to kill himself. I was very concerned about this and worried about him and wondered how he got such thoughts, As a an adult I think the Ad is funny but I worry how a child would view it.

THE ADVERTISER'S RESPONSE

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

Woolworths does not consider the advertisement raises any issues under Section 2 of the AANA Advertiser Code of Ethics (Ethics Code), Section 2 of the AANA Code for Advertising to Children (Children's Code), or the AANA Food & Beverages Marketing Communications Code (Food and Beverages Code).

Section 2 of the Ethics Code does not apply to this advertisement:

- 1. it does not portray or depict material in any way which discriminates against or vilifies any person or section of the community in any way on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief (section 2.1);*
- 2. it does not present or portray violence (section 2.2);*
- 3. it does not present or portray sex, sexuality or nudity (section 2.3);*
- 4. it complies with the Children's Code (section 2.4, see below);*
- 5. it does not use any strong or obscene language (section 2.5);*
- 6. it does not depict material contrary to prevailing community standards on health or safety (section 2.6);*
- 7. it is not an advertisement for a motor vehicle (section 2.7); and*

8. it complies with the Food and Beverages Code (section 2.8).

Section 2 of the Children's Code similarly does not apply to this advertisement:

1. it does not mislead or deceive Children, it is not ambiguous and fairly represents the advertised product (section 2.1);
2. it does not depict unsafe uses of any product, encourage Children to engage in dangerous activities or advertise products declared unsafe or dangerous (section 2.2);
3. it does not portray images or events in a way that is unduly frightening or distressing to Children and does not demean any person or group on the basis of ethnicity, nationality, race, gender, age, sexual preference, religion or mental or physical disability (section 2.3);
4. it does not undermine the authority, responsibility or judgment of parents or carers, nor state or imply that any product makes Children who own or enjoy it superior to their peers or that persons who buy a product are more generous than those who do not (section 2.4);
5. it does not mention the price of any product (section 2.5);
6. it does not contain any disclaimers, qualifiers or asterisked or footnoted information (section 2.6);
7. it does not promote a competition (section 2.7);
8. it does not promote or refer to a Premium, including anything offered free or at a reduced price in conjunction with purchase of the product (section 2.8);
9. it does not relate in any way to alcoholic drinks or draw an association with companies that supply alcoholic drinks (section 2.9);
10. it does not encourage or promote an inactive lifestyle combined with unhealthy eating or drinking habits and does not contain any misleading or incorrect information about the nutritional value of any products (section 2.10); and
11. it complies with the Ethics Code (section 2.11).

The Food and Beverages Code governs advertising and marketing communications for food and/or beverage products, as well as such advertising and marketing specifically directed towards children. In particular, the Food and Beverages Code is aimed at restricting the advertisement to children of food and beverages in a misleading or deceptive manner (e.g. in relation to nutritional value) or where such advertisement encourages excess consumption of food or beverage products. The advertisements the subject of this complaint were intended by Woolworths/ Safeway to encourage children to eat more fruits and vegetables and encourage healthy eating habits, as part of its Fresh Food Kids Initiative.

In any event, there is no basis on which to believe a reasonable member of the audience would be likely to understand that the advertisement would encourage thoughts of death or suicide in children. The advertisement is directed at children in a light-hearted manner to demonstrate to children how to make fun characters with fruits and vegetables, and is intended to encourage children to eat more fruits and vegetables.

The comment described by the complainant as "presenting thoughts of death" is intended to be a light-hearted reference to the child consuming his creation made out of fruits and vegetables. The comment coupled with the action would be recognised by members of the relevant audience as a game to be played, not as a sinister reference encouraging death, murder or suicide.

As you know, Woolworths is committed to complying with the Codes and all applicable laws with respect to its advertising activities. In addition, Woolworths would like to assure the Board that it is, and will continue to be, careful to ensure that all advertising that refers to it or any of its brands is not offensive and does not promote death or thoughts of death to children.

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches the AANA Food and Beverages Communications and Marketing Code (the Food Code).

The Board considered the advertisement under Section 3.2 of the Code which states:

Advertising and/or Marketing Communications directed towards Children for Food and/or Beverage Products shall not improperly exploit Children's imagination in ways which might reasonably be regarded as being based upon an intent to encourage those Children to consume what would be considered, acting reasonably, as excessive quantities of the product/s.

The Board noted that the advertisement was for fresh fruit and vegetables and whilst it was based on

imaginative play it encouraged the eating of fruit and vegetables in a responsible and fun way and did not suggest excess consumption.

The Board considered other provisions of the Food Code and determined that the advertisement did not breach the Food Code.

The Board also considered whether the advertisement breached the AANA Advertising to Children Code (the Children's Code).

The Board noted that while the advertisement featured a child, and contained an scenario with child-appeal, it was targeted more towards parents who were responsible for encouraging their children to eat a balanced diet.

The Board determined that the advertisement did not breach the Children's Code.

The Advertising Standards Board (“Board”) then considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Board noted and sympathised with the personal distress of the complainant but did not find the advertisement to be violent or to use inappropriate language.

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