



CASE REPORT

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| 1. Complaint reference number | 73/07 |
| 2. Advertiser | Nestle Chilled Dairy (Diet Yoghurt - Fat Courier) |
| 3. Product | Food & Beverages |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Discrimination or vilification Gender - section 2.1 |
| 6. Date of determination | Tuesday, 13 March 2007 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on two women sitting on a city park bench having lunch. A "Fat Courier" van parks in front of them and the driver approaches announcing "Hi - I've got a delivery of calories for you". One of the women asks "Where's that from?" and receives the reply "In that snack you're eating." The woman in shock advises "No - I thought it was light" as the driver apologises "Sorry". The woman then asks about her friend who is eating from a yoghurt tub "What about Kate?" and as the driver check his list for "calories" he replies "Nestle Diet. No - nothing here". A female voice over announces "Nestle Diet. No unexpected calories". The woman bargains with the courier "Can I at least choose where the calories go?" to which the courier replies "Sorry - says here it's going straight to your thighs."

THE COMPLAINT

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

I find this advertisement to be highly insensitive and degrading to women, as it portrays them as being highly concerned with caloric contents of foods. I find that the blatant use of 'fear foods' and nestle's 'safe food' yoghurt option to be inappropriate, particularly considering the 'family' timeslot, as it increases awareness of calories amongst a young audience. Furthermore, as a citizen who is recovering from an eating disorder, I find this type of advertising to be very detrimental as it promulgates and reinforces a culture that is verging on obsessed with weight and body image.

THE ADVERTISER'S RESPONSE

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

The advertisement and Nestlé do not condone derogatory portrayals of women and/or unsafe eating habits.

The strategy and research behind the advertisement focused on being honest with calories so that consumers can make an informed decision about what they choose to eat. At no point in the advertisement was the product portrayed as a meal substitute or as promoting an obsessive approach to weight loss.

The advertisement was designed to be entertaining and humorous and was carefully researched. It was designed to educate people that not all snacks are what they say they are and to demonstrate that our product is not only nutritious but honest about calories. Nestlé Diet is a product that can actually deliver on what it promises. It has been formulated to be low sugar, low calories, virtually fat free whilst remaining both high in protein and calcium. Two women are used in the advertisement to avoid rivalry between the genders. All surrounding advertising also referring to

this product promotes healthy eating and a balanced life style.

For the above reasons we respectfully submit that the advertisement is not in breach of Section 2 of the Code and ask that the complaint should not be upheld.

THE DETERMINATION

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

The Board considered the advertisement and the complainant's comments that the advertisement was degrading to women. The Board considered whether the advertisement breached Section 2.1 of the Code dealing with discrimination and vilification.

The Board found no evidence of discrimination or vilification of women, or overweight people. The Board agreed that the references in the advertisement to weight loss and weight gain were reasonable.

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