



CASE REPORT

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| 1. Complaint reference number | 78/10 |
| 2. Advertiser | Eagle Boys |
| 3. Product | Food & Beverages |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Food and Beverage Code – undermines healthy lifestyle
Food and Beverage Code – other |
| 6. Date of determination | Wednesday, 10 March 2010 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement from Eagle Boys for its dinner saver meal deal opens with a family sweeping a table full of food ingredients including, flour, tomatoes, eggs, onions, capsicums, pineapple, mushrooms, sliced meat, grated cheese, butter, baguette, parsley and strawberries, onto the floor. A voiceover states: "You could make two pizzas, garlic bread and dessert yourself or save yourself a whole lot of time and money and grab yourself the Eagle Boys Dinner Meal Deal. Get real with Eagle Boys and call..." During the voiceover the family is shown behind the table which now has pizzas in boxes. They are also shown eating the pizzas. The advertisement ends with them all laughing and saying: "Bigger. Better".

THE COMPLAINT

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

It offends advertising standards in relation to health and safety by presenting take away food as a better alternative to healthy fresh food you might prepare at home. I find it offensive that the family pushes, with obvious delight fresh food from a table and opts for a take away instead.

I object to this ad because it conveys the message to children especially that pizza is preferable to healthy food. I also find the deliberate action of throwing good food onto the floor disgusting when people are starving in places around the world.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following: *I wish to take the opportunity to formally respond to the complaint that you have received on behalf of Eagle Boys Pizza.*

Eagle Boys Pizza considers itself to be a responsible advertiser and has established a history of compliance AANA code of Ethics and full co-operation with the Advertising Standards Board

Eagle Boys Pizza acknowledges the receipt of the complaint. However the organisation respectfully disagrees with the assertions raised in the complaint that the advertisement in question contravenes the AANA Code of Ethics (section 2.4, 2.6 and 2.8), and potentially sections of the AANA Code for Advertising and Marketing Communications to Children and the AANA Food and Beverages Marketing and Communications Code

I will, in Eagle Boys Pizza's response, address the sections of the codes directly, and the assertions in the complaint specifically in addition to providing an overview of the particular creative concerned and the messaging strategy that it was intended to convey.

Complaint Details:

Description of Ad: The ad shows a family sweeping a pile of good, healthy food from the table and onto the floor to make room for a delivery of pizza.

Reason for Concern: I object to this ad because it conveys the message to children especially that pizza is preferable to healthy food. I also find the deliberate action of throwing good food onto the floor disgusting when people are starving in places around the world.

Response:

1. The advertisement does not make a judgement or an assertion that pizza is nutritionally preferable to 'healthy food'.

2. The food that features on the table is actually the indicative ingredients for the pizza meal that it replaces.

3. The message communicated in the script of the advertisement is that getting pizza from Eagle Boys is actually less expensive and more time effective than creating a similar pizza meal at home.

4. The tone of the advertisement deliberately light hearted and tongue-in-cheek. The sweeping of the ingredients off the table top is intended as a humorous aside to demonstrate the family's preference of an 'easy pizza treat' rather than the prospect of confronting the making of a meal from scratch. We believe that it is extremely unlikely that any reasonable person would construe that the family featured in the advertisement – or the advertiser – are actually advocating the deliberate wastage of such food.

Specific References to the AANA Code of Ethics:

Section 2.4

Advertising or Marketing Communications to Children shall comply with the AANA's Code of Advertising & Marketing to Children and section 2.6 of this Code shall not apply to advertisements to which AANA's Code of Advertising & Marketing to Children applies.

Eagle Boys Pizza asserts that is fully compliant with the provisions of the AANA Code for Advertising & Marketing to Children.

Fundamentally, Eagle Boys Pizza does not market specifically or deliberately target children – parents of children are actually the target market. However, Eagle Boys Pizza accepts that its television advertising is exposed during family viewing times.

Section 2.6

Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

I would assert that advertisement does not contravene community standards. The advertisement categorically does not make any judgement or representation on the nutritional value of its product compared to other foods, nor does it advocate wasteful behaviour regarding food – it merely communicates in a humorous fashion the preference for a timely and economic alternative.

Section 2.8

Advertising or Marketing Communications for food or beverage products shall comply with the AANA Food & Beverages Advertising & Marketing Communications Code as well as to the provisions of this Code.

Eagle Boys Pizza is asserts that is fully compliant with all aspects of the ANAA's Food and Beverages Advertising and Marketing Communications Code.

The complaint appears to centre on the definition on whether the scenario depicted in the advertisement contravenes current community standards, and whether the message will be understood by children.

There has been no direct attempt to target children in the message, or offer, nor has there been any encouragement or inducement for children in the advertisement. The advertisement does not attempt to undermine responsible parental nutritional advice.

Conclusion:

Eagle Boys Pizza asserts that because the scenario is presented in a comedic fashion that the sweeping away of food is not to be taken literally, and is therefore not seriously considered by an average consumer as encouraging waste.

There has been no nutritional claim made or implied in the advertisement in terms of pizza versus 'good, healthy food'.

Eagle Boys Pizza also asserts that it is compliant under all sections of the ANAA's Code of Ethics, Code of Advertising and Marketing Communications for Children, and Food and Beverages Advertising and Marketing Communications Code.

We would therefore respectfully submit that the complaint before the Advertising Standards Board be dismissed.

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code"), and the AANA Food and Beverages Advertising and Marketing Communications Code (the Food and Beverages Code).

The Board noted the complainant's concern that the advertisement is inappropriate because it depicts wastage of food and suggests that take away food is preferable to food made at home.

The Board noted that the advertisement depicts a family sweeping pizza ingredients from a table to the floor.

The Board considered that the advertisement's depiction is a one-off, with no suggestion that the family regularly replaces home prepared food with take-away. The Board considered that this depiction is clearly meant to be humorous and that it does not undermine the promotion of health balanced diets. The Board determined that the advertisement does not breach section 2.2 of the Food and Beverages Code.

The Board considered that the advertisement does not contain any depictions that would otherwise contravene prevailing community standards and that the advertisement did not breach section 2.1 of the Food and Beverages Code. The Board determined that the advertisement did not breach in any way the Food and Beverages Code.

The Board noted that the advertisement is shown during family viewing times and that therefore children would be able to view the advertisement. The Board considered that the advertised product is not a product which has 'principal appeal' to children - rather it is a product enjoyed by adults and children alike. The Board considered that this advertisement is not directed primarily to children and that the AANA Code for Advertising and Marketing to Children does not apply.

The Board noted the complainant's concern that the advertisement depict wastage of food. The Board noted that this is the case, but that there is no suggestion that this is a regular event nor is there encouragement for the behaviour to be followed. The Board considered that this depiction did not breach any provision of the Code.

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