

## Case Report

1. Case Number :	0270-23
2. Advertiser :	ALDI Australia
3. Product :	Food/Beverages
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Decision:	6-Dec-2023
6. Decision:	Upheld – Modified or Discontinued

### ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification  
AANA Code of Ethics\2.3 Violence  
AANA Code of Ethics\2.6 Health and Safety

### DESCRIPTION OF ADVERTISEMENT

This advertisement opens on a man standing in his kitchen, his back to camera. In the foreground there are piles of onions, onion skins and chopped onions. He turns to camera, weeping, eyes red, tears streaming down his cheeks, holding a bowl of peeled onions, and sings.

Man : Now... I've had the sides of my life....

An older woman is shown peeling a carrot next to a mountain of carrots.

Woman: You've never made a side like this before....

A man walks across the road wearing a pair of boardshorts holding dozens of sacks of ice in outstretched arms that are already turning blue.. The stack is impossibly tall.

Man: I've been waiting for so long...

Cut to a bbq with flaming sausages. A man is shown barbecuing sausages inside his house in a thick cloud of smoke.

Man: ...I cooked them a little wrong...

Inside an oven there too is a smoky haze. It comes to life with a turducken inside, singing, startling a woman.

Oven: I'm an oven that can sing...

A man being pulled over by a policeman... He holds his red hands up. The policeman speaks into his radio.

Cop: Roger that....I think it's just strawberry.

The man hands over a strawberry jelly pudding to the policeman. The policeman looks around and takes it.

A man is shown on a bus with a large platter of prawns.

Harry: You're the one thing...

The scene cuts wide to see everyone is carrying a platter of prawns.

Everyone on the bus sings: I can't get enough of.

A woman carries a roasted sprout like it's a beach ball. Other people are shown carrying foods.

People: So I brought you something...

The scene cuts to a close up of a dish of potatoes. One of the potatoes comes to life as a person's face that just looks like a potato.

Potato man: This could be love

Cut to man cutting a huge piece of ham.

Man: Because...

Cut to a close up of a woman climbing a huge pudding. The camera pulls out wide and we see Tanya and Harry dancing on the top of the pudding.

The cast come together around the base of a Giant xmas pudding.

Cast: I've haaaaad the sides of my liiiiifee....



### **THE COMPLAINT**

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

*Health and Safety. Promoting the use of outdoor bbq's indoors.*

*The add shows a chopped head on a dining table. It is offensive and frightens little kids. It's inappropriate as a Christmas food table set up.*

*In Aldis recent "sides of your life" campaign it shows a police officer pulling over and elderly man with what appears to be blood on his hands, in his beard and on the steering wheel. The advert is making light of something terrible in order to make a (sick) joke that uts strawberry juice. It's unnecessary and in poor taste, particularly given all the heartache going on in the world.*

*Aldi christmas ad shows a persons face on a roast potato. The roast potato has a skin texture which offends me. I have a severe skin condition and PTSD. The aldi ad makes me relive all the pain of my own skin condition and hospital stay. I contacted Aldi HQ and they just laughed at me.*

## **THE ADVERTISER'S RESPONSE**

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

*ALDI notes the case has been assessed as raising healthy and safety issues under the Australian Association of National Advertisers ('AANA') Code of Ethics. Specifically, s 2.6: Advertising shall not depict material contrary to Prevailing Community Standards on health and safety. The s 2.6 practice notes state that this section 'requires that advertising must not depict content that would encourage or condone unhealthy or unsafe behaviour having regard to Prevailing Community Standards'.*

*At the outset, ALDI denies that it has breached s 2.6 of the AANA Code of Ethics.*

*ALDI wishes to advise that its marketing and communications strategy typically uses quirky, exaggerated or fantastical elements mixed with relatable humour for its brand campaigns to reach its target audience, showcase how it is 'Good Different' (i.e., that at ALDI you can buy more quality for less), and deliver engaging and memorable advertisements. ALDI has adopted this strategy for its brand campaigns for some time now with minimal issue. This can be demonstrated by the following ALDI advertisements:*

- *'The Great Banana Migration' (2020) – showing a flock of flying bananas migrating to ALDI. <https://vimeo.com/887074587?share=copy>*
- *'Permanently Low Prices' (2020) – showing an ice skating couple gliding through ALDI aisles as they do their weekly shop and then experiencing ALDI's efficient checkout process. <https://vimeo.com/887074809?share=copy>*
- *'You Can't Overcook Christmas' (Christmas 2021) – features house music (Darude's 'Sandstorm') and disco lighting followed by a person ascending in the air from the Christmas meal table. <https://vimeo.com/887074903?share=copy>*
- *'You Can't Overcook Christmas' (Christmas 2022) – shows two people kung fu fighting over the last Christmas prawn. <https://vimeo.com/887075014?share=copy>*
- *'Shop ALDI First' (2023) - depicts a moment of heartbreak between a customer and ALDI cashier over the customer's need to buy expensive indulgences elsewhere. Then heavy rain starts to pour down instore on the pair. <https://vimeo.com/887075159?share=copy>*

*In relation to the advertisement which is the subject of the complaint, ALDI has adopted the same strategy which can demonstrated by the following clips featured:*

- *a person with tears streaming down his face like a sprinkler system*
- *a greatly exaggerated pile of carrots to be peeled for a Christmas side dish*

- a person carrying two champagne bottles on top of 12 bags of melting ice
- roast meat in the oven singing
- a driver being pulled over by police with what looks to be blood on his face and hands but is in actual fact strawberry
- bus commuters singing to their bowls of fresh prawns
- a person carrying a dramatically oversized brussel sprout
- giant singing roast potatoes
- a person slicing a dramatically oversized ham with a chain saw, and
- two people climbing to the top of a giant Christmas pudding.

*Each of these clips is clearly different from reality given their quirky, exaggerated and/or fantastical elements. ALDI is of the view that it is unlikely they would be considered realistic by the audience because they are so far-fetched and over the top that they are unbelievable. It is ALDI's position that the same can be said for the clip in question which shows a 'person cooking sausages indoors using a charcoal burning bbq with the room full of thick black smoke. ALDI wishes to point out that the primary focus of the clip is on the roaring oversized flames of the bbq engulfing the 'overcooked' sausages. These exaggerated elements together with the too attendees in the background stood under a smoke alarm madly flapping tea towels are what contribute to the unbelievable nature of the clip. When considered in the entirety of the advertisement with all its exaggerated and/or fantastical elements, this clip is even more unbelievable.*

*ALDI denies that the clip encourages or condones unsafe use of an outdoor bbq indoors on account of its quirky, exaggerated and/or fantastical elements. ALDI notes that its position is supported by the rule set out in the s 2.6 practice notes which states that 'advertisements which feature exaggerated or fantastical elements, which are unlikely to be seen as realistic by the relevant audience, are unlikely to be found to be encouraging or condoning unsafe behaviour.'*

*In addition to this, ALDI believes that the siren sounds which can be heard in the background of the clip do the reverse of encouraging or condoning unsafe use of an outdoor bbq indoors. This because it suggests to the audience that fire and emergency services are on route to attend despite there being no fire incident.*

#### *Additional response to accompany further complaint*

*In respect of the subsequent complaint received from AD Standards in relation to the ALDI 2023 'Go Big on the Little Things' campaign, ALDI understand that the case has been assessed as raising health and safety (unsafe behaviour) issues as well as violence (causes alarm and distress under the Australian Association of National Advertisers ('AANA') Code of Ethics. Specifically, s 2.6: Advertising shall not depict material contrary to Prevailing Community Standards on health and safety, and s 2.3: Advertising shall not present or portray violence unless justified in the context of the product or service justified.*

*ALDI notes that the clip in question is described as: 'ALDI food for Christmas, has people singing and then shows a head talking on the table' and the reason for concern is that 'ad shows a chopped head on a dining table. It is offensive and frightens little kids. It's inappropriate as a Christmas food table set up'. ALDI wishes to advise that its 2023 'Go Big on the Little Things' campaign contains no such imagery – there are no chopped heads on a dining table. The clip that closest fits the description provided is that of a giant side of roast potatoes. In this clip, the central potato which has a quirky animated human face (i.e., with eyes, nose and a mouth) sings a line in the theme song for the ad, 'I've Had the Sides of my Life'. If this is the clip in question, ALDI denies that it has breached s 2.6 and/or s 2.3 of the AANA Code of Ethics, please see the response below for details. If not, further specificity on the relevant clip will be required for ALDI to provide an appropriate response.*

*As mentioned in ALDI's response to the initial complaint received from AD Standards, ALDI's marketing and communications strategy typically uses quirky, exaggerated or fantastical elements mixed with related relatable humour for its brand campaigns to reach its target audience, showcase how it is 'Good Different' (i.e., that at ALDI you can buy more quality for less), and deliver engaging and memorable advertisements. ALDI has adopted this strategy for the 'Go Big on the Little things' campaign which is the subject of the complaint.*

*AANA Code of Ethics\2.6 Health and Safety\Unsafe Behaviour*

*In relation to s 2.6, the practice notes state that this section 'requires that advertising must depict content that would encourage or condone unhealthy or unsafe behaviour having regard to Prevailing Community Standards'. It is ALDI's position that the clip featuring the giant side of roast potatoes does not depict unhealthy or unsafe behaviour, but rather a singing potato with a quirky animated human face. Whilst a singing potato is clearly different from reality, on account of its quirky, exaggerated and/or fantastical elements, it is not inherently unhealthy or unsafe. As a result, the clip does not encourage or condone unhealthy and/or unsafe behaviour.*

*AANA Code of Ethics\2.3 Violence\Causes alarm and distress*

*In relation to s 2.3, the practices notes state that this section 'prohibits the use of violent content unless it is justifiable in the context of the product or service advertised'. It is ALDI's position that the clip featuring the giant side of roast potatoes does not depict, suggest or give the impression of any violence or menace. This is because there is no severed head in the clip. Just a singing potato with a quirky animated human face.*

*Regarding the concern that the broader audience of children find the clip offensive and frightening because it features a severed head, ALDI wishes to reiterate that no severed head features in the clip. Just a singing potato with a quirky animated human face. Consequently, there is no depiction, suggestion or impression of any violence or menace that could cause alarm or distress.*

## THE DECISION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concerns that the advertisement:

- depicts a face on a potato in a way that resembles someone with a skin condition
- depicts what looks to be a severed head
- depicts someone whose hands are covered in what could be blood
- depicts someone barbecuing inside.

The Panel viewed the advertisement and noted the advertiser's response.

**Section 2.1: Advertising shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual orientation, religion, disability, mental illness or political belief.**

The Panel noted the AANA Practice Note which provides guidance on the meaning of:

Discrimination - unfair or less favourable treatment

Vilification - humiliates, intimidates, incites hatred, contempt or ridicule

Disability - a current, past or potential physical, intellectual, psychiatric, or sensory illness, disease, disorder, malfunction, malformation, disfigurement or impairment, including mental illness.

**Does the advertisement portray material in a way which discriminates against or vilifies a person on account of disability?**

The Panel noted that some skin conditions can be considered a disfigurement and considered that this would fall within the definition of disability for the purposes of this matter.

The Panel noted that in the advertisement a person's face is superimposed over a potato. The Panel considered that the technique of combining a person's face and an inanimate object is common in television and film. The Panel considered that in the context of the advertisement it is clear that the anthropomorphised potato is not a person with a skin condition, and would be unlikely to be seen by most members of the community as being representative of a person with a disability.

The Panel also noted that the potato-face is not shown to be demeaned or mocked or as receiving unfair or less favourable treatment.

**Section 2.1 conclusion**



Finding that the advertisement did not portray material in a way which discriminates against or vilifies a person or section of the community on account of disability, the Panel determined that the advertisement did not breach Section 2.1 of the Code.

**Section 2.3: Advertising shall not present or portray violence unless it is justifiable in the context of the product or service advertised.**

**Does the advertisement contain violence?**

The Panel noted the complainant's concern that the advertisement contained a 'chopped head'. The Panel considered that most members of the community would understand that this was an unrealistic depiction of a potato with a human face, and was not a depiction of a severed head. The Panel considered that this scene did not constitute violence.

The Panel noted the scene where the man is stopped by a police officer because his hands and face are smeared with a red substance. The Panel considered that, while the scene is designed to briefly and humorously refer to potential violence, the substance is quickly resolved as being strawberry and there is no ongoing suggestion that it is blood. The Panel considered that there is no actual blood in the scene, and no-one has been harmed. The Panel considered that this scene did not contain violence.

**Section 2.3 Conclusion**

The Panel determined that the advertisement did not present or portray violence and did not breach Section 2.3 of the Code.

**Section 2.6: Advertising shall not depict material contrary to Prevailing Community Standards on health and safety.**

The Panel noted the complainants' concerns that the advertisement depicts a person barbequing inside.

The Panel noted the advertiser's response that the advertisement features quirky, exaggerated and/or fantastical elements, and in this context the advertisement would be unlikely to be taken seriously.

The Panel noted that the advertisement features a number of scenes all relating to sides for Christmas, and that many of the scenes contained fantastical and unrealistic elements. However, the Panel considered that the scene with the barbeque did not contain the same level of fantasy that the other scenes did.

The Panel considered that the use of barbeques indoors is inherently unsafe, due to the risks of carbon monoxide poisoning and fire danger. The Panel considered that in the scene the man is seen to be using the barbeque in a confined space, with fire blazing and where the black smoke from the burning sausages has nowhere to go. The Panel considered that the actions of both the man, and the people in the background attempting to fan smoke away from the smoke alarm, are not unrealistic or fantastical.

The Panel considered that while the intent of this scene is to be light-hearted and comedic, this is a dangerous action which should not be encouraged or made light of. The Panel noted that people have been seriously injured and killed by the use of barbeques indoors, and that this ad could be taken as a suggestion that this is an acceptable location to cook if the weather outside is not OK.

Overall, the Panel considered that the depiction of indoor barbequing was contrary to prevailing community standards on safety.

### **Section 2.6 conclusion**

The Panel considered that the advertisement did contain material contrary to Prevailing Community Standards on health and safety and determined that it did breach Section 2.6 of the Code.

### **Conclusion**

Finding that the advertisement breached Section 2.6 of the Code the Panel upheld the complaints.

### **THE ADVERTISER'S RESPONSE TO DECISION**

Thank you for your time in preparing the report. We are reviewing our media plan now and will remove any future live dates for our 60" Christmas TV ad. Noting that the 30 second edit does not include the barbequing scene.