

Case Report

1. Case Number :	0285-24
2. Advertiser :	Lactalis Australia
3. Product :	Food/Beverages
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Decision:	6-Nov-2024
6. Decision:	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This television advertisement features a man walking into a shop. The man says "A bottle of milk thanks".

A woman says "low fat, no fat, full cream, high calcium, high protein, soy, light, skim, omega 3, high calcium with vitamin D and folate, or extra dollop?"

The man says "argh, I just want milk that tastes like real milk".

The woman reaches for some milk and glances at the man's stomach and says "This tastes like full cream milk, and only 2% fat".

A voice-over says "Paul's smarter white milk, still tastes like full cream milk and only 2% fat".



THE COMPLAINT

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

I find the commercial degrading and wrong.

If a man was behind the counter instead of the elderly lady and he said that it's two percent off while looking a lady up and down, everyone would be up in arms. Also, she is not a think person either so how dare she?

THE ADVERTISER'S RESPONSE

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

For the reasons set out below, Lactalis Australia Pty Ltd (Lactalis) submits that the Pauls Smarter White milk advertisement does not breach sections 2.1 or 2.6 of the Advertising Code of Ethics.

This advertisement promotes Lactalis' flagship milk brand Pauls Smarter White milk. The advertisement was initially produced in 2003 and has a target market of 'middle aged' men 35+. It was aired extensively until 2012, and then again in 2015 displayed on television and also on the internet. Lactalis has recently reinvigorated this commercial to return it to air in 2024.

Pauls Smarter White milk has been a highly successful product in the market as it taps into two consumer insights:

- 1. Milk has become very confusing with so many variants for something that is fundamentally pure and simple.*
- 2. As you age, you tend to make dietary changes as your body is not as resilient as it was when you were younger. The ambition to reduce the amount of fat and sugar that you consume tends to be at the top of the list, however these dietary changes usually come with the sacrifice of taste.*

The Pauls Smarter White 'Milkbar' advertisement is intended to tap into these two insights and highlight, through light-hearted subtle humour, that this milk product is perfect for those who are trying to reduce their fat intake but don't want to sacrifice the wonderful taste of full cream milk.

With reference to section 2.1 of the Advertiser Code of Ethics, as noted above the message of the advertisement is on simplifying choice for consumers by emphasising the qualities of Pauls Smarter White Milk – its rich, creamy taste and low fat content. The comment by the shopkeeper "This tastes like full cream milk and only 2% fat" is focused on the attributes of the product which have appeal to all consumers. The comment is not intended to discriminate against or vilify the customer on account of his gender.

With reference to section 2.6 of the Advertiser Code of Ethics, Lactalis has considered the AANA's Practice Note which states "Section 2.6 requires that advertising must not

depict content that would encourage or condone unhealthy or unsafe behaviour having regard to Prevailing Community Standards". Promoting milk that is lower in fat is not inherently negative or against Prevailing Community Standards. The shopkeeper's comment to the customer "less than 2% fat" does not promote an unrealistic body image or suggest that losing weight should be pursued in an unhealthy way.

In support of the above, Lactalis notes that this commercial has run over the course of the past 20 years and has not previously received complaints. It is one of Australia's most iconic commercials and has been embraced by the public. This is evidenced by the number of people who have copied the advertisement in a parody video of their own making. As an example, see the TikTok page in the following link:

<https://www.tiktok.com/music/I-JUST-WANT-MILK-THAT-TASTES-LIKE-REAL-MILK-6692216143140227845?lang=en>

This page was consumer created (Lactalis did not start this page) and shows hundreds of consumers who have made their own versions of the advertisement. This includes a broad range of people of all ages, shapes, genders and ethnicities. Lactalis submits that the advertisement's broad appeal and popularity supports its position that the advertisement is not discriminatory, vilifying any consumer group or contrary to Prevailing Community Standards on health and safety.

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 concern that the advertisement is degrading to men.

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

Section 2.1: Advertising shall not portray 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 Practice Note to Section 2.1 provides the following definitions:

- *Discrimination – unfair or less favourable treatment.*
- *Vilification – humiliates, intimidates, incites hatred, contempt or ridicule.*
- *Gender – refer to the attributes, roles, behaviours, activities, opportunities or restrictions that society considers appropriate for girls or boys, women or men. Gender is distinct from 'sex', which refers to biological differences*

The Panel noted the Practice Note to Section 2.1 states:

“A negative depiction of a group of people in society may be found to breach Section 2.1, even if humour is used. The depiction will be regarded as a breach if a negative impression is created by the imagery and language used in the advertisement of a person or group of people on the basis of a defined attribute listed above. Advertisements can humorously or satirically suggest stereotypical aspects of a group of people in society provided the overall impression of the advertisement does not convey a negative impression of people of that group on the basis of one or more of the attributes listed above.

Harmful gender stereotypes are unacceptable because they perpetuate unconscious bias and rigid norms of femininity and masculinity that shape what it means to be a girl, woman, boy or man.”

The Panel considered that the genders of the individuals in the advertisement were not the focus of the advertisement. The Panel found that the man was not treated unfairly, humiliated or ridiculed because of his gender. Overall, the Panel found that the advertisement did not discriminate against or vilify a person or section of the community on the basis of gender.

Section 2.1 conclusion

The Panel found that the advertisement did not breach Section 2.1 of the Code.

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

The Panel noted the Practice Note for this section of the Code includes:

“Advertising must not portray an unrealistic ideal body image by portraying body shapes or features that are unrealistic or unattainable through healthy practices. Exposure to unrealistic body ideals can lead to harmful body dissatisfaction and disordered eating and for this reason it is not acceptable in advertising.”

The Panel considered that the product being promoted is a lower-fat product and it is reasonable for the advertiser to promote this in their advertising. The Panel considered that the advertisement did not state or suggest that the man was overweight, or needed to lose weight. Rather, the Panel considered the advertisement used gentle humour to highlight that many adults are looking for healthier alternatives to everyday products.

The Panel considered that the advertisement was unlikely to be seen to promote unhealthy practices. The Panel considered that the advertisement did not portray unrealistic ideal body images or promote or condone unhealthy weight loss. The Panel considered that the advertisement did not contain material contrary to Prevailing Community Standards on health and safety.

Section 2.6 conclusion

The Panel considered that the advertisement did not breach Section 2.6 of the Code.

Conclusion

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.