



## **CASE REPORT**

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| 1. Complaint reference number | 3/09  |
| 2. Advertiser                 | Fonterra Brands (P&B) Pty Ltd   |
| 3. Product                    | Food & Beverages  |
| 4. Type of advertisement      | Outdoor   |
| 5. Nature of complaint        | Discrimination or vilification Gender - section 2.1<br>Food and Beverage Code – other |
| 6. Date of determination      | Wednesday, 21 January 2009  |
| 7. DETERMINATION              | Dismissed   |

## **DESCRIPTION OF THE ADVERTISEMENT**

This series of three outdoor advertisements features the same words in each advertisement: "It's not coz we can't, it's coz we can't be bothered". The advertisements show respectively: a white shirt and underwear tinged with pink, having been washed with dark red socks; a toilet roll improperly replaced; and a very untidily wrapped birthday present. Each advertisement also includes a graphic of a Brownes Chill strong percolated coffee carton with a graffiti word "just" next to the word "chill" on the carton.

## **THE COMPLAINT**

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

*These adverts centre around sexist stereotypes about "dumb men" and "uptight women". I would think we've moved past such offensive stereotyping in this day and age. I'll be writing to Brownes directly also.*

## **THE ADVERTISER'S RESPONSE**

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

*This is a response to the email received on 9/1/2009 in regards to the complaint against the "Chill Billboard" on Guildford Road appearing on the weekend of November 23, 2008.*

*Fonterra is sensitive to the complaint lodged, but do not agree that the Chill billboards contravene Section 2 of the AANA Advertiser Code of Ethics.*

*The campaign has been developed to target males typically aged between 20 and 30 years. The artwork, imagery and tagline included, were designed to engage the target market through humour, with the view that this target market appreciates humorous messages. The ads were not designed to be in any way offensive or shocking rather, just having a light hearted laugh, something that Aussies are very good at. The executions of a toilet roll not being replaced properly, an untidily wrapped present or a white shirt washed with a red sock, are seen as common male oversights, particularly younger males, so there is a sense of reality to the joke. In our view this is the type of humour that most people within the target market can relate to in their day-to-day lives. It is our view that the ads are a series of tongue-in-cheek observations that we believe delivers a gentle message, one that our target market of young males can relate to which we consider is socially acceptable.*

## **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 Communication Code (the "F&B Code").

The Board noted there were a series of different advertisements used as part of the same campaign and with similar themes.

The Board noted the complainants' concerns that the advertisements promoted gender-based stereotypes and considered the application of Section 2.1 of the Code, relating to discrimination and vilification.

The Board considered that, in each case, the depictions were humorous in tone and not offensive. The Board noted that the advertisements make no specific reference to the behaviour depicted being attributed to males or indeed to the behaviour being attributed to either gender. The Board considered that, while the advertisements depicted examples of behaviour commonly attributed to males, the same behaviour could also be attributed to females who "can't be bothered". The Board considered there was nothing in the advertisement that was discriminatory against or vilifying of either gender and therefore found no breach of Section 2.1 of the Code.

The Board also noted that it found no breach of the F&B Code.

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