

<b>COMPLAINT NUMBER</b>	17/078
<b>COMPLAINANT</b>	J Charlton
<b>ADVERTISER</b>	Sanitarium Health and Wellbeing
<b>ADVERTISEMENT</b>	Up and Go Television
<b>DATE OF MEETING</b>	6 March 2017
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The television advertisement for Up and Go breakfast drink showed a man drinking chocolate milk in a dairy. Another man, dressed as a referee, entered the dairy with a bottle of Up and Go, and blew his whistle loudly. He said: “Now, what’s Henderson doing wrong everyone? Anyone?” He then grabbed the drink from the man’s hand and threw it so it splattered against the fridge. He then said “Up and Go is the most important drink of the day. It’s got the protein energy and fibre of four Weetbix, and milk...”

**The Chair ruled there were no grounds for the complaint to proceed.**

**Complainant, J Charlton, said:** The depiction in this advertisement is a man throwing a drink at a chiller cabinet because he does not approve of what has been selected by another man. He is a sports coach and the other man is younger and in subordinate role. The shopkeeper looks puzzled and slightly apprehensive. This is exactly what bullies and abusers do when they want to get someone to comply - they throw things and yell. Sanitarium’s explanation is that it is lighthearted and amusing. If someone behaves violently no amount of minimising alters the fact that it is violent behaviour intended to coerce others to do as they say. That is exactly the sort of aggressive behaviour that children too often experience in NZ homes and which "Men against Violence" and other campaigns are trying to counter in our NZ society. The Up&Go marketing portrays their products as healthier and is aimed at younger people, especially young males. I believe this advertisement condones and minimises violent behaviour and should not be shown.

**The relevant provisions were Code of Ethics - Rule 5; Code for Advertising Food - Principle 1.**

**The Chair** noted the Complainant’s concerns the advertisement condones and minimizes violent behaviour and should not be shown.

The Chair referred to a precedent decision, Complaint 16/138, about the “unnecessary” violence in this same advertisement. The complaint was ruled No Grounds to Proceed.

In the precedent decision, the Chair “agreed the smashing of the bottle of chocolate milk against the fridge was not ideal. However, the Chair said the scenario had a level of hyperbole about it and said the likely consumer takeout would be the action was intended to emphasize the benefits of the Up and Go breakfast drink rather than endorse the actions of the referee.”

In regards to the complaint currently under consideration, the Chair said the advertisement used humour, based on the exaggerated behaviour of the referee, and did not reach the threshold required to cause serious or widespread offence.

As such, the Chair said the advertisement had been prepared with a due sense of social responsibility.

The Chair ruled the advertisement did not breach Basic Principle 4 or Rules 5 of the Code of Ethics or Principle 1 of the Code for Advertising Food.

Accordingly, the Chair ruled there were no grounds for the complaint to proceed.

**Chair's Ruling:** Complaint **No Grounds to Proceed**