

<b>COMPLAINT NUMBER</b>	17/294
<b>COMPLAINANT</b>	P Judge
<b>ADVERTISER</b>	BP Oil NZ Ltd
<b>ADVERTISEMENT</b>	BP Oil NZ Ltd, Television
<b>DATE OF MEETING</b>	28 August 2017
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The television advertisement for BP's Smurfs promotion shows a man at the counter of a BP checkout hunched over and carrying a net. He says to the assistant "Give me the Smurfs." A small child interjects, whispering "Don't give him the Smurfs... Don't give Gargamel the Smurfs." The shot then cuts back to the man who is actually a man rather than the Gargamel character the child had imagined. The advertisement ends with the voice-over stating "Imagine what's next."

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

**Complainant, P Judge, said:** This TV advertisement shows an elderly gentleman making a purchase at the counter of a BP petrol station. He is hunched over and made to look like the character Gargamel from the children's animated series, 'The Smurfs'. behind the gentleman a child is with her mother. The child calls to the BP attendant to "not give Gargamel the Smurfs".

The gentleman turns around, hunched over and with a grumpy and unfriendly look on his face. As the man slinks off the child's mother says to him, "You don't look like Gargamel, much".

I believe this advertisement breaches the Code for People in Advertising. In my view it breaches the following principles;

2) In portraying people in a manner likely to cause hostility, contempt, abuse or ridicule.

3) It portrays the gentleman in a manner which is likely to cause offence on the grounds of disability, occupational or employment status. The character is portrayed in such a way as to be read as disabled (he is hunched over), homeless or unemployed (he is scruffy and unkempt looking).

4) It portrays the gentleman as a stereotype likely to cause offence, hostility, contempt, abuse or ridicule. His character, in the context of the story presented, is actually not Gargamel but an everyday member of the public who has the look of someone disabled, homeless or unemployed and otherwise socially dysfunctional, but in a stereotypical way.

6) The humour in this advertisement is not acceptable because of the way the character is presented as a real person encountered in everyday life, but is portrayed in a stereotypical way with connotations of being disabled, homeless, poor and unemployed. The humour of the child seeing this gentleman as a cartoon character thus falls flat and in this case is likely to cause offence, hostility, contempt, abuse or ridicule towards similar looking people in real life.

Please note that this advertisement does not appear to be on Youtube as yet.

**The relevant provisions were Code of Ethics - Basic Principle 4; Code for People in Advertising - Basic Principle 2, Basic Principle 3, Basic Principle 4, Basic Principle 6.**

**The Chair** noted the Complainant's concern that the advertisement was offensive to "disabled, homeless or unemployed people" by portraying them in a stereotypical way.

She noted that Basic Principle 6 of the Code for People in Advertising allowed for the use of humour in the treatment of people in advertisements, but not in a way that was reasonably likely to cause serious or widespread offence in the light of generally prevailing community standards.

The Chair said the advertisement showing a fictitious scene created by the child's imagination in relation to the evil wizard Gargamel was clearly hyperbolic in nature. The Chair said this depiction of a well-known cartoon and movie character to advertise the BP Smurf promotion was unlikely to cause serious or widespread offence or ridicule.

While the Chair acknowledged the offence the advertisement had caused the Complainant, she said the advertisement had been prepared with a due sense of social responsibility. The Chair also confirmed the advertisement did not breach Basic Principle 4 of the Codes of Ethics or Principles 2, 3, 4 or 6 of the Code for People in Advertising.

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

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