

COMPLAINT NUMBER	19/346
COMPLAINANT	C Cawthorne and 2 others
ADVERTISER	Nestle NZL Ltd
ADVERTISEMENT	Uncle Tobys Television
DATE OF MEETING	16 September 2019
OUTCOME	No Grounds to Proceed

Advertisement: The television advertisement for Uncle Tobys new Breakfast Baked bars shows a father and son sitting in a car. Both characters speak with a version of a Scottish accent. The father hands a breakfast bar to the son and says “that’s made of porridge”. The son then replies with “that’s not how you make porridge”. At the end of the advertisement the son says “are you saying “make” or “bake” to which the father replies ““bake”, the new breakfast “bake”, b...b”. The advertisement ends with the new product on screen.

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

Complainant, C. Cawthorne, said: I find the Uncle Tobie’s advert currently airing to be insulting to the Scottish language and accent. This cultural appropriation is outdated and should be removed from air.

Two other complainants shared similar views.

The relevant provisions were Advertising Standards Code - Principle 1, Rule 1(c);

Principle 1: Social Responsibility: Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.

Rule 1(c): Decency and Offensiveness: Advertisements must not contain anything that is indecent, or exploitative or degrading, or likely to cause harm, or serious or widespread offence, or give rise to hostility, contempt abuse or ridicule.

The Chair noted the Complainants’ concerns the advertisement was insulting and an outdated example of cultural appropriation.

The Chair took into account the Uncle Tobys advertisement promoted their new baked breakfast porridge bars using a father and son scenario and the impact accents can have on pronunciation.

The Chair referred to a precedent decision, 19/123 about an advertisement for Briscoes promoting a St Patrick’s Day Sale which poorly mimics an Irish accent.

The Decision said in part:

“The Chair said accents and other identifiers synonymous with particular cultures are used in advertising from time to time. The Chair agreed that some of these could cause offence.

The Chair took into account the Briscoes advertisement promoted a sale on St Patricks Day, a Christian feast day, which has become a commercialised celebration of all things Irish, across the world.

...

The Chair acknowledged the fake-sounding Irish accent used in the advertisement was offensive to the Complainant.

...

The Chair said in the context of this advertisement and the commercialisation of St Patrick's Day, the accent had not reached the threshold to cause that level of offence."

The Chair noted the advertisement before her was a modern twist on an earlier Uncle Tobys oats advertisement from the 1980's which celebrated Aussies' love of humour and the Scottish roots of oats with the line "It's how you BAKE porridge."

While acknowledging the advertisement was offensive to the Complainants, the Chair ruled the advertisement did not meet the threshold to cause serious or widespread offence. The Chair said the advertisement was not in breach of Principle 1 or Rule 1(c) of the Advertising Standards Code.

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

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

APPEAL INFORMATION

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website www.asa.co.nz. Appeals must be made in writing via email or letter within 14 days of receipt of this decision.