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| <b>COMPLAINT NUMBER</b> | 19/221                                |
| <b>COMPLAINANT</b>      | M Glover                              |
| <b>ADVERTISER</b>       | Mars                                  |
| <b>ADVERTISEMENT</b>    | Wrigleys EXTRA, Television            |
| <b>DATE OF MEETING</b>  | 13 August 2019                        |
| <b>OUTCOME</b>          | Upheld<br>Advertisement to be Removed |

### **Description of Advertisement**

The television advertisement for Wrigleys EXTRA peppermint chewing gum shows a school student with glasses being pushed up against the wall by another student and asked for his lunch money. The student with glasses takes out a packet of EXTRA and chews a piece. He compliments a female student on her hair and tells the bully she has had highlights. The advertisement ends with the tagline “Time to Shine.”

### **Summary of the Complaint**

The Complainant is concerned the advertisement is depicting bullying which is a serious issue in New Zealand. The Complainant also said the product being advertised was unclear.

### **Issues Raised**

- Social Responsibility
- Anti-Social Behaviour

### **Summary of the Advertiser’s Response**

The advertisement’s intended message is it’s ‘Time to Shine’ and having fresh breath promotes confidence. It states the advertisement is shot in a theatrical/comic way and the hero of the story is the confident boy who does not appear intimidated by the boy asking for money.

The Advertiser confirmed the product is clearly shown in the first four seconds of the advertisement, both as a product shot and at the moment of consumption. They said the advertisement did not play during children’s programmes.

### **Summary of the Media Response**

The Commercial Approvals Bureau confirmed the advertisement has been given a GXC rating (General Except Children) which prevents the advertisement from playing in programmes aimed at children. It referred to precedent Decision 16/089, the Coca-Cola advertisement, which was Not Upheld by the Complaints Board. The Decision said the portrayal of a bullying situation is not the same as encouraging bullying behaviour.

### **Summary of the Complaints Board Decision**

The majority of the Complaints Board upheld the complaint about the television advertisement for Wrigleys EXTRA chewing gum showing bullying behaviour. The Board said the advertisement depicted anti-social behaviour and was not socially responsible. The Complaints Board ruled the advertisement was in breach of Principle 1 and Rule 1(f) of the Advertising Standards Code.

## Relevant ASA Codes of Practice

The Chair directed the Complaints Board to consider the complaint with reference to the following code:

### ADVERTISING STANDARDS CODE

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

**Rule 1(f): Violence and Anti-social Behaviour:** Advertisements must not, unless justifiable on educational or social grounds, contain anything that condones, or is likely to show, violent or anti-social behaviour or damage to property.

### Relevant precedent decision

In considering this complaint the Complaints Board referred to precedent Decision 16/089 which was Not Upheld.

The full version of this decision can be found on the ASA website  
<https://www.asa.co.nz/decisions/>

**Decision 16/089** concerned a television advertisement for Coca-Cola which showed a brother teasing his younger sibling and then protecting him from an intimidating group of boys. At the end of the advertisement the older brother taps the bottom of the drink bottle as the younger brother drinks from it.

...

The Complaints Board was of the view that the portrayal of a bullying situation is not the same as encouraging bullying behaviour.

The Complaints Board noted that Decision 16/089 was adjudicated under Rule 7 of the Code of Ethics.

Rule 7 referred to violence in advertising and stated:

“Advertisements should not contain anything which lends support to unacceptable violent behaviour.”

The Complaints Board noted the precedent decision had been tested against a different standard to the complaint before it. The current rule about violence and anti-social behaviour is Rule 1(f) of the Advertising Standards Code.

### Complaints Board Discussion

#### *Consumer Takeout*

The Complaints Board agreed the consumer takeout was that chewing Extra gum increased confidence.

#### *Was the product being advertised clear?*

The Complaints Board said the product being advertised was clear with repeated shots of the packaging and the student with glasses shown consuming the product.

#### *Is the advertisement showing anti-social behaviour?*

The Complaints Board said that regardless of any intended underlying message or humour, the advertisement clearly shows one student being accosted by another and lunch money being demanded. The Board noted the test to be applied in Rule 7 of the Advertising

Standards Code was whether the advertisement condones or is likely to show violent or anti-social behaviour.

The majority of the Complaints Board said that the advertisement showed anti-social behaviour, which is a breach of Rule 1(f) of the Advertising Standards Code.

The majority of the Complaints Board agreed the lack of reaction from the boy subjected to the bullying behaviour could be because it was a regular occurrence. The Board said the execution of the advertisement was problematic because there was no resolution shown to the bullying scenario and the advertisement concludes with the bully still grasping the jersey of the student he had bailed up.

A minority of the Complaints Board disagreed and said the student being asked for money maintained his confidence throughout the encounter and the scenario in the advertisement was more likely to be seen as a parody of bullying. The minority of the Board said the advertisement did not reach the threshold to breach Principle 1 or Rule 1(f) of the Advertising Standards Code

However, in accordance with the majority, the Complaints Board said that by showing an anti-social behaviour like bullying, the advertisement was in breach of Rule 1 (f) and had therefore not demonstrated the required standard of social responsibility. The advertisement was in breach of Rule 1(f) and Principle 1 of the Advertising Standards Code.

#### **Outcome**

The Complaints Board ruled the complaint was **Upheld**.

Advertisement to be removed.

#### **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](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 days of receipt of this decision.

## APPENDICES

1. Complaint
2. Response from Advertiser
3. Response from Media

### Appendix 1

#### COMPLAINT FROM M GLOVER

I have seen this particular advertisement on TV on a number of occasions.

The opening section of the ad. is what I remember the most - it depicts two secondary age school boys, one with his back against a corner wall, the other boy has grabbed by the front of his shirt and "demanded" the other boy's lunch money - the ad goes on (and in my mind I find it hard to reconcile this bit and the product being advertised) and at the end the one being grabbed brings out a packet of Extra Chewing Gum.

The day after I had previously seen the ad on TV (a couple of weeks ago), the headline in the New Zealand Herald the next day said something along the lines of "bullying on the increase in schools."

I was concerned enough to email the particular company whose ad it was, outlining my thoughts - I received an email back, which to my mind missed the point completely. I am willing to forward a copy of these emails if necessary.

I am aware that some may not share my views, but am also aware that some others do. This is the first time I have actually made a complaint about an ad. but feel very strongly that the first part of the ad is what stood out most for me. I had to wait until the very end of the ad to find out what it was actually about.

### Appendix 2

#### RESPONSE FROM ADVERTISER, MARS - WRIGLEYS

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| A basic, neutral description of the advertisement                                      | <p>The Advertisement was created to promote Mars Wrigley Confectionery's EXTRA® Peppermint chewing gum.</p> <p>The Advertisement is targeted to adults.</p> <p>The tagline of the Advertisement is "Time to Shine" and the intended message of the Advertisement is that chewing gum and having fresh, healthy breath promotes confidence and allows you to "shine."</p> |
| Date advertisement began   | 13 January 2019  |
| Where the advertisement appeared (all locations e.g. TV, Billboard, Newspaper Website) | TV   |

|   |  |
|---|--|
| <p>Is the advertisement still accessible – where and until when?</p>  | <p>Yes.<br/>TV.<br/>Ongoing, no end date at this point.</p>  |
| <p>A copy of digital media file(s) of the advertisement – if the complaint relates to on-screen graphic, please send a broadcast quality version.</p> | <p>TVC can be found <a href="#">here</a></p>   |
| <p>Who is the product / brand target audience?</p>  | <p>Buying Audience: All People 30+</p> <p>Time Parameters: Nothing to be played from 12am/ Midnight – 6am.</p> <p>Globally from Mars we are under very strict TV buying limitations which restrict all children’s programming for Mars campaigns, therefore no airtime is to appear in shows that are categorised as children’s programming.</p> <p>We have to complete a global MWC responsible marketing auditing report every quarter, this measures our level of compliance by running our spots against an audience of all people 5-12 years.</p> <p>The 3% of spots that have appeared to broadcast to an AP5-12 audience is appearing in actually airtime which featured in mature programming targeted to adults. For example, sport programming on Sky (Sevens World Series, ODI Cricket), daytime lifestyle programming on HGTV and some top ratings shows (which have mass broad appeal) e.g. Married at First Sight.</p> |
| <p>Clear substantiation on claims that are challenged by the complainant.</p>   | <p>Advertising Standards code Principle 1, Rule 1(f)</p> <p><b>Advertisements must not, unless justifiable on educational or social grounds, contain anything that condones, or is likely to show, violent or anti-social behaviour or damage to property.</b></p> <p><b>The complaint seems concerned that the ad suggests that apparent bullying is okay</b></p>   |

**if you chew EXTRA gum and that given the rise of bullying in New Zealand that this TVC is inappropriate.**

Mars Wrigley recognises that bullying is a serious issue and takes the issue very seriously. However, the Advertisement could not reasonably be considered to portray, condone or normalise violence or bullying.

The Advertisement is intended to present a comical perspective on the archetype of the school bully, and how our 'hero' is able to disregard peer pressure with his unwavering confidence.

The Advertisement is shot and edited in a way that is clearly intended to be theatrical and comedic. The comedic style of the Advertisement would be clear to the audience, including by reference to the use of upbeat music and the exaggerated demeanour of the characters in the Advertisement.

The boy who has been pushed against the wall (**Boy 1**) clearly appears unintimidated and non-fussed. He shows no signs of being upset; on the contrary. He is physically larger than the other boy.

**Boy 1** does not handover any money or appear in any way affected by Boy 2. **Boy 1** is seen smiling and relaxed.

The role of the product is not suggesting it helps with bullying, rather it gave **Boy 1** the confidence to talk to, and compliment Sarah on her hair. This is reinforced by product reveal and then consumption moment being clearly demonstrated just before he compliments 'Sarah'.

With regards to not understanding it was an ad for EXTRA, the product is clearly shown in the first four seconds of the ad, both as a pack shot and then consumption moment.

The Advertisement has been the subject of extensive internal and external approval processes, including TVCAB approval (received 10.01.2019), prior to being broadcast.

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| A copy of the script | <p>The Advertisement features two boys in senior school. One of the boys pushes the other boy against the wall and says “<b>Lunch money?</b>”.</p> <p>Boy 1 becomes distracted by a senior schoolgirl walking past. He pulls some EXTRA® gum out of his pocket and starts chewing. Gaining confidence from chewing the EXTRA® gum, he says to her “<b>Hey Sarah. I love what you’re doing with your hair</b>”. She clearly looks pleased with the compliment and, smiling and stroking her hair, she continues walking. Boy 1 then turns back to the other boy, smiling, and says “<b>She got highlights</b>”.</p> <p>There is upbeat music playing for the duration of the Advertisement.</p> |

### Appendix 3

#### RESPONSE FROM MEDIA, COMMERCIAL APPROVALS BUREAU

##### WRIGLEYS TELEVISION ADVERTISEMENT

COMPLAINT: 19/221

KEY: WRG 015 00207

RATING:

GXC

We have been asked to respond to this complaint under the following codes:  
Advertising Standards Code – Principle 1, Rule 1(f);

CAB approved this Wrigleys Extra commercial on 10/01/19 with a ‘GXC’ food classification.

The GXC rating prevents this commercial from playing in programmes aimed at young children.

A complainant believes that the portrayal of bullying, *in and of itself*, will encourage bullying amongst viewers.

Firstly, we must consider that the ad is restricted from child viewers via the GXC classification.

Secondly, CAB would like to cite the precedent decision of Complaint 16/089 which was not upheld. The decision establishes that the portrayal of a bullying situation is not actually the same as encouraging bullying behaviour.

“The Complaints Board said the actions of the older brother and the group of boys towards the younger brother did not reach the threshold to be considered to encourage or lend support to violent or bullying behaviour. The Complaints Board said the advertisement did not contain anything which clearly offended against prevailing community standards and was unlikely to cause serious and widespread offence to most people.”- April 12, 2016

The encouragement of bullying would require a situation where the behaviour was rewarded or portrayed as desirable or cool to viewers above child age. That isn't happening in this Wrigley commercial, and the precedent set by 16/089 should be extended to the current complaint.