

COMPLAINT NUMBER	22/279
ADVERTISER	Mondelez NZL
ADVERTISEMENT	The Natural Confectionery Co, Television
DATE OF MEETING	12 September 2022
OUTCOME	No Grounds to Proceed

Advertisement: The Natural Confectionery Co’s television advertisement shows a mother and daughter in a car pulling up next to another mother and daughter at the traffic lights. In one car a mother and daughter are singing along with loud rap music playing, while the daughter eats confectionery. The woman in the second car looks unimpressed at the loud music and singing while her daughter nods along with the music. The advertisement ends with the tagline “Go with the Real.”

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

Complaint: This ad seems to vilify white people. Imagine if it were cast with the opposite racial casting. Why wouldn’t a middle age white woman be delighted to see a child and parent singing in a car?

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 Complainant was concerned the advertisement was vilifying one race over another.

The Chair carefully reviewed the advertisement and said the likely consumer takeout was the advertisement reflected two different parenting styles. The woman dressed conservatively in one car was looking disapprovingly at the mother and child who are in casual clothing with the daughter rapping in the car to a song usually performed by adults. The advertisements tagline, “Go with the Real” links the product from the Natural Confectionery Co to a more relaxed lifestyle.

The Chair said that although the reason for the woman’s disapproval is not stipulated in the advertisement, she did not consider the Complainant’s takeout would be that of most consumers. The Chair said the ethnicity of the characters in the advertisement was incidental to the advertisement’s narrative.

Rule 1(c) of the Advertising Standards Code required the Chair to consider whether the scenario shown in the advertisement, in this context, was likely to cause serious or widespread offence, in light of generally prevailing community standards. The Chair said, in

her view, the advertisement did not reach the threshold to cause serious or widespread offence for most consumers.

While she acknowledged the offence the advertisement had caused the Complainant, the Chair ruled 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 (<https://www.asa.co.nz/complaints/the-appeals-process/>). Appeals must be made in writing with notification of the intent to appeal lodged within 14 calendar days of receipt of the written decision. The substantive appeal application must be lodged with the ASA within 21 calendar days of receipt of the written decision.