

Advertising Standards Authority

Broadcast Advertising
Adjudications

16 March 2005



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ADVERTISER: Marmite
AGENCY: DDB London
Date: 16 March 2005

Media: Television

No. of complaints: 6

COMPLAINT:

Two Marmite advertisements featured a large amorphous blob, reminiscent of the 1950's science fiction film "The Blob". Neither advertisement had a timing restriction limiting when it could be broadcast.

One advertisement showed a woman screaming and running terrified out of a supermarket; a young couple were then shown running away from a large brown blob. However, on realizing what the blob was the young woman began to smile and run towards it. A crowd of people were then shown either running away from the blob or diving into it. The final frame showed the woman, half submerged in the blob, eating Marmite and smiling. The other advertisement showed a crowd of people screaming and running away from the blob. It then showed some people running towards it, including a man with a cheese sandwich who dived in. Both advertisements ended with the text "YOU EITHER LOVE IT OR HATE IT."

Six viewers complained that the advertisements had been broadcast on a children's television channel and around children's programming and had distressed their young children, aged between two and three years. All the viewers said that their children had been terrified by the advertisement; four said their children refused to watch television after seeing it and a further two said their children had nightmares as a result.

ADJUDIATION: Complaints upheld

The BACC said that, at the time of clearing the advertisements for broadcast, it did not believe a timing restriction was required. It pointed out that the advertisements featured very mild horror that was clearly over the top and comical. It said the blob was not shown attacking people, no one was hurt by it and its pursuit of the crowd was in a cartoon style that would be familiar to very young viewers. It considered that children were unlikely to be scared, particularly since the blob was amorphous and did not have human characteristics. In addition, because some of the people featured in the advertisements were shown to be positively attracted to the blob and approached it with beaming faces, the BACC argued that it was portrayed as desirable as well as scary. It believed that the ending of the advertisements,

where a character was shown emerging from the blob unharmed and happy, reinforced the idea that the blob was not a thing of terror.

In light of the complaints, the advertiser said it would revise the advertisements' broadcast schedule to ensure they were not shown in or around children's programmes or on children's channels. It proposed to ask the BACC for approval of that schedule. The advertiser said it wanted to avoid the imposition of a formal ex-kids scheduling restriction (which would exclude the advertisements from programming made for or specifically targeted at children) because some broadcasters refused to show advertisements with that restriction during programmes aimed at a general audience but likely to attract a high number of young viewers; it quoted the music talent show "Pop Idol", broadcast on ITV, as an example. The advertiser argued that an ex-kids restriction would be unnecessarily prescriptive given that only very young children had been adversely affected by the advertisements. Finally, it said that the British Board of Film Classification (BBFC) had given the advertisements a U rating for cinema transmission.

We accepted that the advertisements' effect on young children would have been difficult to anticipate. However, since it was clear from the complaints we received that the advertisements had caused distress to very young children, we agreed with the advertiser that they should not be broadcast in or around children's programming. We noted the advertiser's proposal to submit the advertisements' broadcast schedule for approval by the BACC to ensure that further distress could be avoided. We also noted the advertiser's concern about the imposition of an ex-kids restriction because of the way that some broadcasters chose to interpret it. We considered, however, that the ex-kids restriction was designed to exclude advertisements from programming made for or specifically targeted at children, but that if broadcasters chose to apply the restriction in a wider sense that was their prerogative. We therefore considered that the advertisements should carry an ex-kids restriction to ensure that they avoided children's programming. We concluded that both advertisements were in breach of Rules 7.3.6 (Distress) and 7.3.7 (Use of Scheduling Restrictions) of the CAP (Broadcast) TV Advertising Standards Code.

ADVERTISER: Wanadoo

AGENCY: M&C Saatchi

Date: 16 March 2005

Media: Television

No. of complaints: 68

COMPLAINT:

A commercial for Wanadoo was set in a scrapyard full of wrecked and smashed cars. It featured a group of teenagers who, to the soundtrack of rock music, raced through the scrapyard dancing, laughing, shouting, and splashing about in muddy puddles. The final shot, seen through the smashed windscreen of one of the cars, showed a girl and boy on the back seat French kissing.

1. 62 viewers believed that the French kiss was too explicit, especially when children could be watching.
2. 12 viewers were concerned that the commercial had shown youngsters playing in a dangerous environment. They felt it encouraged and condoned behaviour that could lead to harm.

ADJUDICATION

The Broadcast Advertising Clearance Centre (BACC) said it had asked for a number of edits to be made to the commercial before it would give its approval. It asked for changes to remove the actors climbing on the cars and to make the scrapyard more of a backdrop. Nonetheless, it still considered the commercial warranted a restriction to keep it away from programmes made specifically for children.

1. Complaints upheld

The advertising agency did not believe the kiss was coarse or unduly sexual. It said that the kissing depicted was widely accepted as a part of young adult life, and commonly shown in television programmes such as Hollyoaks and T4. It added that the commercial had a restriction which kept it away from children aged 4-9. The aim of the advertising was to target 16-34 year olds and it had planned its scheduling accordingly.

We disagreed with the agency that it was common to see such an explicit kiss in a programme before the 9pm watershed. The programmes it mentioned were aimed at a teenage audience. Whilst the inclusion of a French kiss would not necessarily exceed the expectations of an audience that chose to watch programmes like this, the restriction imposed would only exclude the advertisement from children's programmes and therefore could be seen at any other time of the day by younger children, and also by viewers who would

not normally expect to see such passionate kissing out of context of a drama programme.

We believed that the kiss was much too graphic for the timing restriction that had been imposed.

2. Complaints upheld

The agency said that there were no children in the commercial, and it was not targeted at them. All the actors were over 18 in age and appearance. It said it did not portray the scrapyards as a fun place. It used the scrapyards as a stylised American setting, and the 'pop-video' type location was intended to be fantastical. The scrapyards were a backdrop for the action and not part of the action. The agency told us that the teenagers were not seen playing with or on the cars, and derived pleasure from interacting with each other not the vehicles. It said that most of the commercial was of the youngsters splashing through mud and puddles, it did not consider this was dangerous or controversial behaviour.

We believed that it was irresponsible to show a car scrapyards as an adventurous place to hang out with friends. The actors may have been 18 or over, but the advertisement nonetheless contained scenes that would be of particular appeal to children; the teenagers were obviously enjoying themselves. Younger more impressionable children could see their actions, which could be easily copied, as cool. The commercial was not 'fantastical' but set in an ordinary car scrapyards, with young people splashing about in mud and puddles.

We considered that the scrapyards were more than just background, and that the teenagers had interacted with the cars. One young woman lay on the bonnet of a car. Towards the end of the advertisement the teenagers ran towards some cars, and two of them looked like they were about to climb on to a precarious three-high pile of car wrecks. The kissing couple were shown inside a wrecked car with smashed windows, obviously having climbed into it. The possibility for harm was clearly evident. Rusted, mangled cars, with broken windscreens and open car boots were piled high on top of each other. The risk of becoming trapped or crushed by a toppling car, or of an injury from sharp metal or from broken glass was unmistakable. However, the commercial portrayed the teenagers running and messing about in between rows of stacked cars without concern and gave no sense of the possible dangers of such behaviour.

Although the advertising might have been aimed at 16-34 year olds, the timing restriction was inadequate in keeping the material away from children aged 9 to 12 plus. The commercial gave the impression that a car scrapyards was a fun place to play. Older children would be more likely to be out with a group of friends, without adult supervision, and interested in exploring. Because of the likely appeal to children there was, in our view, a serious and realistic risk of harm. We considered that the advertisement was unsuitable to be shown at any time.

The advertisement was in breach of CAP (Broadcast) TV Advertising Standards Code Rules 7.3.7 (Use of Scheduling Restrictions), 6.7 (Health and Safety) and 7.3.2 (Children - physical harm). The advertisement should not be shown again.