[GB] TV ads in breach of the Code of Broadcast Advertising

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On 21 February 2018, the UK Advertising Standards Authority (ASA) banned two television advertisements on the grounds that they breached the UK Code of Broadcast Advertising (BCAP Code) rules relating to the protection of children. The decisions provide helpful guidance on alcohol advertising, and advertisements which may be harmful to children.

The first television advertisement was for a discount supermarket chain, Aldi Stores Ltd, and formed part of their 2017 Christmas campaign, which featured a computer-generated image of a carrot in a number of parodies of popular films. The advertisement at issue opened with the carrot stating: “I see dead parsnips.” The line was intended as a darkly humorous reference to a famous line of the 1999 supernatural thriller film Sixth Sense. This was followed by a voice-over rhyme about alcohol, saying: “There were a few spirits that cold Christmas night. Award winning bottles for raising a toast and one frightened carrot had just seen a ghost.” Scenes of various bottles of spirits were included throughout the advertisement. It ended by showing the carrot being frightened by another character dressed up as a ghost with a white blanket over it. The complaint alleged that it was irresponsible because it was likely to appeal strongly to people under the age of 18, which is the legal age for buying alcohol in the United Kingdom. Aldi responded by saying that the overall theme of the advertisements in their festive campaign was largely adult in nature and made references to popular films which were several decades old and therefore unlikely to appeal to children. Because it promoted alcohol, the advertisement in question was not aired during, or adjacent to, programmes aimed at under-18s, in compliance with the ASA guidelines.

The ASA noted that the advertisement was subject to a broadcast restriction, but several of its attributes were deemed to breach the BCAP Code’s social responsibility rules for alcoholic drinks which, among other things, provide that alcohol advertisements “must not be likely to appeal strongly to people under 18, especially by reflecting or being associated with youth culture or showing adolescent or juvenile behaviour” (rule 19.15.1). More specifically, the carrot had a high-pitched voice, similar to that of a young child. The character was also being sold as a soft toy during the Christmas period and was popular amongst children. Although the dialogue made use of a pun on “spirits,” its overall tone,

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supplemented with choir music in the background, was reminiscent of a children's story. Moreover, the ending of the advertisement, which showed the carrot being frightened by a ghost-like character, would appear "particularly funny" to younger children. Consequently, the ASA found that the overall effect of the budget retailer's advertisement was likely to resonate with, and appeal strongly to, under-18s. It upheld the complaint and ruled that the advertisement must not appear again in its current form.

The second television advertisement was for a chewing gum sold under the trade name Extra by Wrigley Company Ltd. It showed a young woman standing in a football kit on a football pitch whilst chewing gum, seemingly preparing to take a penalty kick. The complaints alleged that the woman's portrayal encouraged a practice which raised a risk of harmful imitative behaviour by children. Wrigley considered the advertisement to be acceptable because it did not show the character in full motion when chewing; however, the ASA noted that the young woman featured prominently in a setting familiar to many children and, although she was depicted stationary, she seemed to have already been chewing gum during the game. The accompanying voice-over - "But her legs are trembling, not yours. Time to shine. Extra" - was taken to endorse unsafe behaviour in sporting activities. Accordingly, the advertisement breached BCAP Code rules concerning harm and offence, and the protection of children. Among other things, they require that advertisements not include material that is likely to condone or encourage behaviour that prejudices health or safety (rule 4.4) and could be dangerous for children to emulate (rule 5.2). Taking into account several reported incidents of people choking on gum whilst playing sports, the ASA upheld the complaints and ruled that the advertisement should not be aired again in its current form.

Advertising Standards Authority, ASA Ruling on Aldi Stores Ltd, 21 February 2018

https://www.asa.org.uk/rulings/aldi-stores-ltd-a17-405943.html

Advertising Standards Authority, ASA Ruling on The Wrigley Company Ltd, 21 February 2018

https://www.asa.org.uk/rulings/the-wrigley-company-ltd-a17-398817.html

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