



CASE REPORT

1. Complaint reference number	15/09
2. Advertiser	Coca-Cola South Pacific Pty Ltd
3. Product	Food & Beverages
4. Type of advertisement	TV
5. Nature of complaint	Violence Other – section 2.2 Food and Beverage Code – other
6. Date of determination	Wednesday, 21 January 2009
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement has a stick figure in an office to which piles of correspondence is being delivered. The stick figure talks to the camera: "The last ad we created received a lot of complaints and it got banned - not because of the new taste, which everybody loves, but because of the amount of biff. So, we said, well... we didn't realise people were so sensitive. So we remade the ad using highly expendable stick figures". At this point, black stick figures break into the laboratory and create havoc, including causing bodily harm to the laboratory workers. The original stick figure returns to the screen and says: "New Mother - double the energy drink. Still tastes nothing like the old one." He holds up a can of the drink and a graphic comes on to the screen: The Mother of all energy hits.

THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

In August 2008, I lodged a complaint with you re the Mother Energy Drink Advertisement. A lot of other people did the same and the advertisement was taken off the air. Last night, 22nd December, 2008 on Channel 7 in Brisbane at the times of 9.30pm and 10.30 pm, a NEW advertisement was aired for Mother Energy Drink, comprising STICK figures doing exactly the same thing that was in the original ad. The voice over made comments about how the original ad was offensive for sensitive people and that perhaps they would not be offended by stick figures. I still find this ad offensive and too violent. The STICK figures are still being beaten up, smashed into tables, punched, etc, simply for doing their job. It is not necessary to advertise in this way, in my opinion. Surely the company can develop another way of displaying their product. By keeping the original concept of the ad, I also feel that the company's attitude to consumer opinions and the Advertising Standards Board is shown to be contemptuous, by the way it is worded and portrayed.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

Thank you for the opportunity to respond to a complaint received by the Advertising Standards Board (ASB) related to the Mother energy drink TV commercial (Advertisement Complaint Reference 15/09). As a member of the Australian Association of National Advertisers (AANA), we work hard to ensure we comply with the AANA Code of Ethics. In developing this television commercial (TVC) we took on board the reasons the ASB upheld the complaints relating to the first commercial and applied an even more light-hearted, stylistic and non-realistic creative direction to the second TVC. The large number of complaints we received in regard to our first execution clearly highlighted we had 'missed the mark' in relation to being sensitive to the broader community. In keeping a similar core message, the aim of utilising stick figure animations

in the second TVC was to significantly dial down the realism present in the first TVC, and provide a humorous and tongue-in-cheek communication which we felt would resonate with the brand's target market and address those concerned about the original execution. We feel although you will never please everyone, the fact that this execution has received so few complaints compared to the original execution, demonstrates we have addressed a lot of the concerns as these people would have heightened awareness to the Mother advertising. As such, we do not agree the commercial is in breach of Section 2 of the AANA Advertiser Code of Ethics.

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code") and the AANA Food and Beverages Advertising and Marketing Communication Code (the "F&B Code").

The Board noted that the Board had previously upheld complaints against a similar advertisement for the product and that this was a new advertisement based on the same concept but using stick figures rather than real people. Television and cinema versions of the previous advertisement were considered as Case No's: 287/08 (television) and 375/08 (cinema). In Case No. 287/08, the Board determined that the advertisement breached Section 2.2 of the Code and stated that:

'The Board viewed the television advertisement and noted that it was for an energy drink.

The Board considered the advertisement presented unacceptable violence.

The Board further considered that the violence depicted was not stylised or humorous but was gritty and realistic.

The Board noted the looks of fear on the scientists' faces in response to the assault team entering the building by shattering a window.

The Board further noted that the advertisement was clearly based on popular action film narratives to which the target audience could relate however, the Board agreed that this narrative was not enough to suggest the violence was based on fantasy.'

In Case No. 375/08, the Board determined that the cinema version of the advertisement also breached Section 2.2 and stated that:

'The Board noted the Advertiser's submission that the advertisement was placed before M rated films only, but agreed that Section 2.2 of the Code does not provide for greater violence in material with a higher classification.

On balance the Board considered that the portrayal of violence was unacceptable in the context of the product being advertised and that the placement of the advertisement in an M rated film did not mean that clause 2.2 of the Code did not apply.'

In the present case, the Board considered the advertisement was humorous and that the use of stick figures provided a clear fantasy tone. The Board considered the actions of the stick figures did not have the same impact as with real people used in the previous version of the advertisement.

The Board determined that this was not a depiction of violence as understood by most members of the community and therefore found no breach of Section 2.2 of the Code.

The Board also noted that it found no breach of the F&B Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.