



CASE REPORT

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| 1. Complaint reference number | 18/09 |
| 2. Advertiser | Dairy Farmers |
| 3. Product | Food & Beverages |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Portrayal of sex/sexuality/nudity – section 2.3
Other - Social values
Food and Beverage Code – other |
| 6. Date of determination | Wednesday, 21 January 2009 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement for Dare Iced Coffee shows a young couple walking through a shopping centre. The young woman suggests having a coffee. The young man immediately thinks of all the worst things that she might want to discuss with him and the advertisement depicts the young woman telling him these things: she is breaking up with him; she is pregnant, possibly to his father; she has taken up pole dancing; she has an STD; her mother is moving in with them. When he returns to reality, he suggests having a Dare Iced Coffee instead. The advertisement concludes with a graphic of the Dare Iced Coffee container and the words "the coffee moment without the moment".

THE COMPLAINT

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

It is totally unsuitable in light of STDs and the message it is sending in terms of the innuendo in the ad and the offensiveness of her sexual exploits within her boyfriend's family. It is especially offensive when youngsters are surely watching the cricket - a great sport that is always being promoted for young people. At my age I find it totally offensive too and have spoken to several adults who agree with me.

The cricket is a family show and the advert is not suitable for a family audience including children when the advert uses sexual innuendo to promote it's product. It is rude, unnecessary and inappropriate.

It is unsuitable to show this ad, during private school holidays, when children may be home watching the cricket.

THE ADVERTISER'S RESPONSE

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

Please see below our comments, on behalf of Dairy Farmers, in relation to the complaints about the Dare 'Coffee Moment' TVC. The complaints have been raised under Section 2 of the AANA Advertiser Code of Ethics.

The Dare 'Coffee Moment' campaign has aimed to portray Dare as a great solution to potentially stressful coffee moments and in doing so brought this idea to life by showing a person who's imagination has gone into overdrive with 'worst case' scenarios when his girlfriend or boss has simply asked him to 'go for a coffee'. It is not Dairy Farmers intention to offend or to use sexual

themes carelessly, rather to target particular segment of the consumer market (18-26 demographic), who can relate and empathise with the character. We sought guidance and complied with the appropriate commercial regulation; this current series of Dare advertisements has been given a PG rating.

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 the complainants' concerns about sexual references in the advertisement and considered the application of Section 2.3, relating to sex, sexuality and nudity.

The Board considered the advertisement was humourous and the sexual references made were brief and mild in tone. The Board considered this was consistent with the PG rating provided to the advertisement and that given the presentation of the various elements of the advertisement children were unlikely to 'catch' or understand the references. The Board determined that the advertisement treated sex and sexuality sensitively to the relevant audience and programme timezone. The Board therefore found no breach of Section 2.3 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.