



CASE REPORT

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| 1. Complaint reference number | 19/09 |
| 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
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 an older man who is clearly a manager, walking out of an office building. When he sees three men outside talking, he asks one of them, Kevin to join him for a coffee. Kevin immediately thinks of all the worst possible scenarios that could occur and the advertisement depicts the boss telling Kevin some of these scenarios: the boss fires him; the boss declares love for him which includes an image of the man stroking Kevin on the cheek; the boss sends him to work in North Korea. When he returns to reality, Kevin suggests to the boss that they have 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:

One receives the impression that the older man is "soliciting" the younger man.

The advertisements in themselves are of the distasteful kind which one might be unfortunate to find on late night TV.

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 noted that the advertisement portrays two adult males, with the younger man imagining a variety of worst case scenarios occurring over coffee with the older man, who appears to be his employer. The Board considered the advertisement was humourous and any 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.