



## **CASE REPORT**

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|-------------------------------|---|
| 1. Complaint reference number | 539/08  |
| 2. Advertiser                 | Coca-Cola Amatil                                |
| 3. Product                    | Food & Beverages                                |
| 4. Type of advertisement      | Outdoor   |
| 5. Nature of complaint        | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination      | Wednesday, 21 January 2009                      |
| 7. DETERMINATION              | Dismissed                                       |

## **DESCRIPTION OF THE ADVERTISEMENT**

These outdoor advertisements for Coca Cola's Deep Spring drink shows a naked woman holding a plastic bottle in front of a waterfall. In the first image the woman is standing, naked and her body has been digitally rendered with ferns, other greenery and her long hair covering her breasts and below her waist.

In the second image the woman is sitting side on a rock side on to the viewer. In one hand she is holding a bottle of the product and her other arm is between her legs touching the rock. Her body has been digitally rendered with ferns and other greenery.

The words 'Your source of natural sparkle' appear at the bottom of the advertisement along with an image of a plastic bottle.

## **THE COMPLAINT**

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

*I object to the degree of nudity in this poster, and that it is in a fully public place 24 hours a day for all to see - children and adults alike. The image shows almost all of both of the women's breasts including one of her nipples being visible, and even shows part of her genital area! This is totally inappropriate in a public place, and is totally inappropriate for children to have to be exposed to this sort of image out on a public street.*

## **THE ADVERTISER'S RESPONSE**

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

*The following outlines our response to the complaint.*

*1. DEEP SPRING and CCA are a fully committed to responsibly advertising practices and has no wish to shock or offend the general public.*

*2. This campaign follows on from the 'Get back to nature' campaign launched in 2006. 'Get back to nature' dramatised the feeling of natural refreshment you get from drinking Deep Spring, and used the creative device of a nude man on a scooter as a metaphor for that feeling. The new campaign builds upon the public's awareness of the brand and its credentials in naturalness built through the previous campaign.*

*3. The creative idea is that Deep Spring delivers a moment of natural enjoyment. DEEP SPRING is a natural sparkling mineral water, containing natural colours and flavours and real fruit juice. The campaign 'Your source of natural sparkle' dramatizes these product attributes and the feeling*

*of natural enjoyment it provides through the setting and the natural state of the featured girl.*

*4. Section 2.3 of the AANA Code of Ethics states: Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone*

*5. The outdoor campaign was run through multiple media companies including large format outdoor, street furniture and shopping centre posters. A campaign in Women's Weekly and monthly magazines also accompanied this. Each of these companies operates strict approval guidelines to approve any creative shown within their media space. Specific attention was given to the areas mentioned.*

*6. The core target consumer for the campaign is 30-39yr females who are 'health aware'. These consumers, and indeed the general public, are both used to and enjoy seeing advertising images that depict natural beauty, often with far more obvious nudity. In accordance with provision 2.3 the image is carefully designed to suggest the girl is naked, however bodypainting and strategically placed limbs, hair and foliage cover all sensitive areas.*

*7. Whilst the advertisement is not target at children, given its outdoor placement it is acknowledged that it may be seen by children. Part 2.4 of the AANA Advertising Code for children states: "Advertising or Marketing Communications to Children must not include sexual imagery in contravention of Prevailing Community Standards;" We believe the subtle imagery used in the ad, whilst featuring stylised nudity, could in no way be considered by prevailing community standards as "sexual" in nature.*

## **THE DETERMINATION**

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Board noted the complainant's concerns about the depiction of nudity in the advertisement and considered the application of Section 2.3 of the Code, relating to sex, sexuality and nudity.

The Board noted that the naked woman's pelvic region and nipples were obscured by the pictures of ferns, other greenery and water in the poster and the image was further masked by the merging of her figure with the water and foliage featured in the background. The Board considered the depiction of the woman was discrete and that the image of her covered in greenery was consistent with and relevant to the message being presented by the advertiser about the "natural" qualities of the product. The Board also noted that there was nothing sexualised in the woman's pose. The Board therefore found no breach of Section 2.3 of the Code.

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