



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0021/12</b>
<b>2</b>	<b>Advertiser</b>	<b>Coca-Cola South Pacific Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>Food and Beverages</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Print</b>
<b>5</b>	<b>Date of Determination</b>	<b>08/02/2012</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.4 - Sex/sexuality/nudity S/S/N - nudity

### DESCRIPTION OF THE ADVERTISEMENT

Three women are running in to the surf, with one of the women turning to smile at the camera. The image is in black and white and the women are wearing bikini bottoms. There is an image of a diet coke can at the top of the advertisement with the text "one calorie burnt in a moment of spontaneity" written in red and black lettering to the left of the can.

### THE COMPLAINT

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

*I object to and am offended by the advertisement since it portrays topless girls. This form of advertisement is sexualised and totally inappropriate to be found in a daily newspaper. It portrays nudity to a broad audience including children and young girls who may read the newspaper.*

*The nudity and featuring of topless girls is totally unconnected to the product being advertised which is Diet Coke. It has nothing to do with the caption being to burn one calorie. Given the broad audience this form of advertising leads to the sexualisation of children by suggesting that drinking Diet Coke has some relationship to being topless on the beach.*

## **THE ADVERTISER'S RESPONSE**

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

*We understand from your letter regarding the complaint and the complaint itself, that the complainant believes the advertisement contravenes Section 2 of the AANA Advertiser Code of Ethics, which also incorporates the AANA Code for Advertising and Marketing Communications to Children and the AANA Food and Beverage Marketing Communications Code. We disagree that we have breached Section 2 and the subsequent codes.*

*Our intention, as with all of our advertising, is to engage our target audience. This series of Diet Coke advertisements, "Burnt in Moment," is targeted to females 18-25 and intended to illustrate a lighter attitude toward life as a way to feel uplifted. The ad in question is intended to depict the target demographic living with a sense of "Spontaneity".*

*We can confirm the women in our ad are within the target demographic and range between 19 -23 years old, are mature and were chosen for the advertisement because they look their age; as such we disagree with the letter of complaint accusing the ad of "sexualizing children."*

*The ad features confident women, young adults, exhibiting a moment of lightness, carefree style, happiness and balance with their female peers and does not portray women in an "offensive" or "sexual" light as the complainant states. The women in the ad are not nude, nor have they been portrayed in the vicinity of men, nor are any inappropriate or explicit images of the women portrayed. Further, the image tastefully represents a fairly common and accepted beach activity, and the beach context/environment is clearly shown.*

*This ad has been placed in "early and general news confidential" sections of newspapers, targeting adult readers.*

*Further, the claim "One calorie burnt in a moment of ..." can be substantiated as required by AANA Food and Beverage Marketing Communications Code. The material is a representation that the caloric intake from the product can be "burnt in a moment" by the physical activity depicted. One calorie burnt is based on data from the Calorie Control Council with reference to a 60kg person. A moment is taken to be up to 1 minute. It should be noted that a person of >60kg weight will burn more calories. The only product shown with in the campaign is the 200mL can, which contains less than 1 calorie. The volumetric content is displayed clearly, and a qualifier explaining the calorie content (less than 1 calorie / 200mL). The claim is supportable and compliant with local law.*

## **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 that the advertisement shows an image of three young women which is sexualized and inappropriate.

The Board viewed the advertisement and noted the advertiser's response.

The Board considered whether the advertisement complied with Section 2.4 of the Code. Section 2.4 states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience”.

The Board noted that the advertisement features the rear view of three women who are topless and heading into the ocean for a swim. The tagline reads “One calorie – burnt in a moment of spontaneity”

The Board noted that although the women are topless, they are clearly wearing bikini bottoms or underwear and there is no inappropriate nudity or exposed parts of their bodies. The Board considered that the image was depicting three healthy looking women who were taking advantage of a spontaneous moment to do something they may not ordinarily do.

The Board noted that the relevant audience for the paper could include children. The Board considered that the pose of the women was not sexualised and was not sexually suggestive. The Board noted that the women clearly look over the age of eighteen and that the image is not alluding to sexualized images of children.

The Board considered that most members of the community would not find the advertisement inappropriate and that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and that it did not breach Section 2.4 of the Code.

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