



Case Report

1	Case Number	0057/12
2	Advertiser	Coca-Cola South Pacific Pty Ltd
3	Product	Food and Beverages
4	Type of Advertisement / media	Poster
5	Date of Determination	22/02/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

Close up image of a man and a woman about to kiss. The woman has her left hand on the man's right cheek and they both have their eyes closed.

Under the image is a picture of a can of diet coke alongside the text, "one calorie burnt in a moment of passion."

THE COMPLAINT

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

It's completely inappropriate for a general viewing area. It's unnecessary and gives the wrong information out to young children, teenagers, young adults and ill-educated parents (not being snooty here but it's just how it is. Not everyone understands about effects on social behaviours).

I was really appalled when I saw this and continue to be. Children see this and think it's ok to kiss each other like that. It lowers the level of accepted physical contact. Encourages them to experiment and it's showing us that since it's public it's ok to do at any age. WRONG.

I've seen this ad for a few months now but I brought it up with Westfield when my 3 year old saw the poster and tried to kiss me in the same inappropriate way! Children notice everything. I'm tired of products being "sexed up" to sell their products. It's having a devastating effect on society. I don't think I need to go into all that here.

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 fun. The ad features a confident woman and man about to kiss and is intended to capture a moment in their lives. Both are fully clothed and not in a sexual embrace but rather enjoying a brief moment together in a kiss.

We can confirm the models in our ad are within the target demographic and range between 22-24 years old, are mature and were chosen for the advertisement because they look their age.

As with all our advertising, this is designed to appeal to our target audience and we believe the subject matter has been treated sensitively in the case. Therefore does not contravene the Code of Ethics.

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 within 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.

Finally, Westfield have not agreed to remove the material early as indicated by the complainant. Rather the campaign is due to finish on 11 February 2012 and will be out of Westfield locations from that date.

We are very happy to answer any further questions you may have. Please let us know if you need more information.

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 depicts inappropriate kissing and is not suitable for viewing by children.

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 a close image of a man and a woman about to kiss.

The Board noted the complainant's concern that this image is inappropriate and should not be seen by children however the Board considered that this is a view unlikely to be shared by most reasonable members of the community. The Board noted that the couple are not actually kissing but appear about to kiss and that they are both fully clothed. The Board considered that the image is not offensive and is not inappropriate for viewing by a broad audience including children.

The Board considered the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and determined 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.