



# Case Report

1	Case Number	0073/16
2	Advertiser	Coca-Cola South Pacific
3	Product	Food and Beverages
4	Type of Advertisement / media	Poster
5	Date of Determination	09/03/2016
6	DETERMINATION	Dismissed

## ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.4 - Sex/sexuality/nudity S/S/N - general

## DESCRIPTION OF THE ADVERTISEMENT

This poster advertisement features a young woman wearing a white dress with red polka dots holding a bottle of Coca-Cola. The Coca-Cola logo is in the bottom right hand corner of the poster along with the slogan, "Taste the feeling".

## THE COMPLAINT

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

*This is part of a new campaign by coke called taste the feeling; they have a few models. The equivalent young guy is a shirtless dude with a guitar sucking back a coke with a refreshed look on his face. The girl, however, looks like she is about to commit an act of fellatio on her bottle.*

*I am not a prude and have no issue with fellatio, but this is just such blatant sexism it's wrong. Seriously if coke can't sell it's sugar without resorting to making a beautiful young woman suck off a coke bottle, they should give up.*

*It's also not doing wonder's for young girl's self esteem.*

## THE ADVERTISER'S RESPONSE

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

*Thank you for your letter regarding a complaint received in relation to a piece of Coca-Cola South Pacific Pty Ltd's (CCSP) Taste the Feeling out-of-home advertising. We thank you for bringing this matter to our attention and respond to the points raised as follows:*

#### *A description of the Advertisement*

*The advertisement is one of a series of out-of-home advertisements being displayed as part of Coca-Cola's global Taste the Feeling campaign. They were shot by fashion photographers Guy Aroch and Nacho Ricci and use a "Norman Rockwell meets Instagram" visual style to capture authentic, unscripted moments in a contemporary way, with Coca-Cola at the centre.*

#### *Comprehensive comments in relation to the complaint*

*The complaint raises the issues of discrimination or vilification on the grounds of gender and sexuality under sections 2.1 and 2.4 respectively of the Australian Association of National Advertisers Code of Ethics (Code).*

*The complainant has specifically expressed concern that the women depicted in the advertisement looks like she is about to commit an act of fellatio on her bottle and that this depiction is sexist.*

*CCSP acknowledges that in addition to the above, the ASB will review the advertising against the entirety of Section 2 of the Code.*

#### *Section 2.1 Comments*

*This section provides that:*

*Advertising or Marketing Communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.*

*As outlined above, the advertisement features a woman holding a bottle of Coca-Cola, slightly away from her body at about chest height with a closed, but slightly pouty mouth. She is not lifting the bottle to her mouth as suggested in the complaint. We do not consider she looks like she is about to commit an act of fellatio on her bottle but rather that we are simply showing a women about to enjoy a delicious refreshing bottle of Coca-Cola by sipping it from the bottle.*

*In ASB Case Report 0148/15 in relation to a South African tourism campaign, the complainant alleged that by depicting a woman without any front teeth the advertiser showed a bias to women who had been dentally mutilated for the practise of fellatio. The ASB considered that there are a number of reasons for teeth extraction and most members of the community would view the image without knowledge of any possible cultural practices associated with this. The Board agreed that they were unable to know from the image the reason for the woman's missing teeth and whether this was in fact a personal choice, a dental requirement or some other reason.*

Similarly, we consider that most members of the community viewing the Coca-Cola advertisement would see a beautiful woman holding an icy-cold bottle of Coca-Cola, without any sexist or highly sexual connotations. Specifically in relation to section 2.1 of the Code, we do not believe there is no gender discrimination or vilification, either express or implied. The ASB's Discrimination and Vilification in Advertising Determination Summary defines discrimination as:

*"Acts with inequity, bigotry or intolerance or gives unfair, unfavourable or less favourable treatment to one person or a group because of their race, ethnicity, nationality, sex, age, sexual preference, religion, disability and/or political belief [emphasis added]"*

It further defines vilification as:

*"Humiliates, intimidates, incites hatred towards, contempt for, or ridicule of one person or a group of people because of their race, ethnicity, nationality, sex, age, sexual preference, religion, disability and/or political belief."*

The ASB's April 2015 Determination Summary states that portraying a woman as attractive does not of itself constitute discrimination or vilification of women. Sexual discrimination refers to unwelcome conduct of a sexual nature which targets a specific individual who feels offended, humiliated or intimidated. There is nothing in the advertisement which indicates that the woman depicted is subject to unwelcome conduct of a sexual nature.

#### *Section 2.4 Comments*

*This section provides that:*

*Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.*

*We note from the Code Practice Note that for the purpose of advertisements in public places, the ASB takes a broad view of the audience in recognition of the wide reach of advertisements in public places. We consider that the advertisement treats sexuality with sensitivity to the audience. The advertisement does not depict sex or nudity. We acknowledge that the woman depicted in the advertisement is attractive and has sensual lips and a look in her eyes that could be interpreted by some viewers as flirtatious. However, we do not consider this to be explicit or suggestive of fellatio. Rather, we consider that this is the subjective interpretation of the complainant and is not representative of most members of the community.*

#### *Section 2 Comments Generally*

*In relation to the other parts of section 2 of the Code, section 2.2 provides that:*

*Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.*

*As we have outlined above, the women featured in the advertisement is likely to be considered sexually appealing to a segment of the relevant audience. However, her sexual appeal is not being employed in a manner which is exploitative or degrading. Exploitative is defined in the*

*AANA Code of Ethics Practice Note as “... clearly appearing to purposefully debase or abuse a person ... for the enjoyment of others, and lacking moral, artistic or other values”. Degrading is defined as “... lowering in character or quality a person ...”. It is our view that it is not exploitative or degrading to depict an attractive woman as part of an advertising campaign in which Coca-Cola is at the heart of to reflect both the functional and emotional aspects of the Coca-Cola experience.*

*The advertisement does not include violence or coarse language and does not depict material contrary to prevailing community standards on health and safety.*

*It is CCSP’s view that the advertisement complies with all elements of the Code. CCSP takes its obligations in relation to responsible advertising seriously. We consider that when assessed against prevailing community standards and the relevant audience, the advertisement does not breach the Code.*

## **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 is sexist in its depiction of a young woman who appears about to perform fellatio on a bottle of Coca-Cola.

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

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.'

The Board noted that this poster advertisement features an image of a female model holding a bottle of Coca-Cola.

The Board noted that advertisers are free to use whomever they wish in their advertisements and considered the use of a woman holding the advertiser’s product is not of itself discriminatory.

The Board considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of gender.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

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

The Board noted the complainant’s concern that the woman in the advertisement looks as

though she is about to perform fellatio on the bottle of Coca-Cola she is holding in her hand.

The Board noted that the woman in the advertisement has her face tilted to one side to look at something over her left shoulder and that her mouth is closed. The Board noted that the woman is wearing a dress and considered that although the woman is wearing make-up and is attractive there is nothing sexualised about her pose. The Board considered that there is no obvious reference to any sexual activity, including fellatio, in the advertisement. The Board noted that the woman is holding a bottle of Coca-Cola in her hand and considered that it is clearly the advertiser's product and is not intended to represent a penis. The Board considered that the complainant's interpretation of the advertisement is one which is unlikely to be shared by the broad community.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which would include children.

The Board determined that the advertisement 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.