



Case Report

1	Case Number	0097/15
2	Advertiser	Coca-Cola South Pacific
3	Product	Food and Beverages
4	Type of Advertisement / media	Internet
5	Date of Determination	25/03/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The SPRITE 'Blind Date' digital video portrays a young adult male who has arrived at a restaurant to meet in person for the first time, a woman he has met online. He bumps into his primary school teacher Miss Leffers. The pair recognise each other, with Miss Leffers noting that Timmy has fully grown up. It becomes apparent that Miss Leffers is in fact the woman he has met online. The pair recognise each other's online user profiles – Timmy's name is "BigRob22." A SPRITE Saver (superhero) appears and gives a bottle of SPRITE drink to both Timmy and Miss Leffers. This relieves the awkwardness and the two characters embrace and kiss.

THE COMPLAINT

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

I am complaining because I think a young boy and an elderly lady making out is wrong, I think it glorifies pedophilia (meeting an underage child online and then making out) and I believe the ad is conveying the wrong message to the people watching. It's disgusting and wrong and I would like to see the ad gone and for the advertising team for this company to be warned about this ad so they understand the severity of the situation.

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 dated 3 March 2015 regarding a complaint received in relation to Coca-Cola South Pacific Pty Ltd's (CCSP) digital video for SPRITE. We thank you for bringing this matter to our attention and respond to the points raised.

The complaint raises potential issues under section 2.4 of the Australian Association of National Advertisers Code of Ethics (the "Code") which provides that:

2.4: Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience;

The complainant has specifically expressed concern that the television commercial "glorifies pedophilia (meeting an underage child online and then making out) and....is conveying the wrong message to people watching".

CCSP acknowledges that in addition to the above, the ASB will review the advertising against the entirety of section 2 of the Code including portrayal of people in a way which discriminates or vilifies (2.1), sexual appeal which is exploitative and degrading (2.2), violence (2.3), obscene language (2.5) and health and safety (2.6).

As a global iconic brand, The Coca-Cola Company takes its obligations to do business with integrity and engage in ethical conduct very seriously. Our business is built on this trust and reputation. It was certainly not CCSP's intention to portray any of the characters in the SPRITE campaign in a way that treats sex, sexuality and nudity that is insensitive to the relevant audience.

The ground for the complaint is based on an incorrect assumption. The complainant describes the advertisement as depicting an 'older lady (approx. 65 years of age)' and a 'young boy (approx. under the age of 18)'. The complainant also believes that the ad portrays a lady who has met an 'underage child' online. Both of these assumptions are incorrect.

The female in the advertisement is clearly an older lady and the script intended for the male character to depict a young man in his early twenties. Casting stipulations included ensuring that we found an actor who met this brief (please see attached Casting Brief) and the script you have been provided with makes it clear we intended for the male character portrayed to be "in his early 20's". In any event the characters age was made unequivocally clear by the use of dating profile name "BigRob22", a nod to indicate that Rob is 22 years of age. We can also confirm that the actor used to portray the character was in fact 23 years old. Both characters depicted in the advertisement were therefore very clearly of adult consenting ages.

In addition to the fact that both characters were adults, the premise of the campaign is to depict an overtly humorous, tongue in cheek and deliberately ‘over the top’ scenario to establish the product’s ability to “cut through the heat” of an awkward moment which is the campaign tagline. The overall tone of the digital video is comedic and the kiss between the two characters at the end was depicted in a manner where both adults consented, were fully dressed and in fact kissed in a public restaurant. In no way was the kiss depicted in a way that was overtly sexualized or insensitive to the relevant audience.

We refer also to Case Report number 0541/14 determined by the ASB on 14 January 2015 (the “OLIVER complaint”). The OLIVER complaint was also under section 2.4 of the Code in respect of a clothing advertisement on TV. The description of the advertisement indicates that the ad depicted a workplace changing room where two male workers are changing into their work clothing and the younger man puts on his OLIVER work boots. The scene ultimately involves a scene in which the older man imagines himself on a sun lounger having his feet massaged by his younger male colleague. In that complaint, the complainant acknowledged that everybody portrayed in the advertisement was over 18 years of age however still found it disturbing given the amount of child and young people abuse in the community.

In the determination for the OLIVER complaint, the ASB took into account the fact that the younger man depicted was clearly over the age of 18 years old and that even though he did not look pleased at his role as the younger masseuse, the portrayal was clearly intended to be humorous and was not sexually suggestive. The Board ultimately found that the advertisement did not treat the issue of sex, sexuality or nudity with insensitivity to the relevant audience. We believe that the complaint about the SPRITE video raises similar issues to those raised in the OLIVER complaint and that the SPRITE campaign overcomes any concerns about a breach of section 2.4 of the Code for similar reasons, i.e., both actors were clearly over the age of 18, were consenting adults and their kiss was depicted in a clearly humorous and non-overtly sexualized manner.

In relation to the other parts of section 2 of the Code, for the above mentioned reasons the SPRITE video does not feature any exploitative or degrading sex or sexuality. Equally, we do not believe that this video features any discrimination or vilification, violence, obscene language or material which is contrary to community health and safety standards.

CCSP has also considered whether any other advertising codes administered by the ASB are relevant to the advertising. Section 2.9 the Food & Beverages Advertising & Marketing Communications Code is relevant in that it requires food and beverage advertising to comply with the Code. As outlined in this letter, it is CCSP’s view that the SPRITE advertising campaign complies with all elements of the Code.

CCSP takes its obligations in relation to responsible advertising seriously. We consider that when assessed against the legal standards for treatment of sex, sexuality and nudity together with prevailing community standards in relation to the matters generally addressed under section 2 of the Code, the SPRITE sparkling soft drink digital video 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 concern that the advertisement glorifies paedophilia.

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

The Board noted the advertisement features the meeting of a woman and a young man at a restaurant for the first time after meeting and arranging a blind date online. As the man enters the restaurant the woman recognises him as one of her students and he recognises the woman as his primary school teacher. The two realise that they are on the blind date together. A ‘SPRITE Saver’ appears delivering SPRITE drinks. The couple have some of the drink and then embrace and kiss.

The Board noted that the young man in the advertisement does not look underage and that the suggestion that the advertisement in any way glorifies paedophilia is an interpretation of the advertisement that is unlikely to be shared by the broader community.

The Board noted that the scenario depicted is intended to be a humorous portrayal of where Internet dating can be awkward as true identities are not always clear because of the use of profiles eg: “BigRob22.”

The Board noted that the advertisement depicted the arrival of a fictitious superhero to help “cut through the heat” of the awkward moment and that the result is two consenting adults in an embrace and passionate kiss. The Board considered that the depiction did not suggest that either party was encouraged to partake in an encounter that they were not comfortable with. The Board also considered that there was no suggestion that the young man was under the age of consent; indeed he is probably aged 22, based on his profile name.

The Board noted that there are members of the community who do not like the concept of online dating or the depiction of an older woman with a clearly younger man. The Board agreed that it is not the position of the Board to comment on the suitability of relationships between consenting adults.

The Board considered that there is no nudity and that any suggestion of sexual intimacy is very mild and would not be understood by children.

The Board noted that the advertisement was aired on the internet and was not inappropriate for a broad audience that may include children. The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and did not breach Section 2.4 of the Code.

Finding that the advertisement did not breach any other section of the Code, the Board dismissed the complaint.

