



Case Report

1	Case Number	0206/15
2	Advertiser	Coca-Cola South Pacific
3	Product	Food and Beverages
4	Type of Advertisement / media	App
5	Date of Determination	10/06/2015
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

Food and Beverage Code 2.1 (a) - Misleading / deceptive
Food and Beverage Code 2.6 inaccurate taste/size/content/nutrition/health claim
Food and Beverage Code (Children) 3.1 misleading/urgency/price minimization
RCMI 1.1 - Advertising Message AFGC - Advertising Message

DESCRIPTION OF THE ADVERTISEMENT

The Fanta “Fruit Slam 2” app is an interactive device marketing Fanta to children. The app opens with bottles filled with oranges and depicts the ‘Fanta crew’ (as cross promoted through the Fanta website and TV advertisement, the subject of separate complaints) drinking Fanta. By clicking on the Fanta crew various games can be played, including catching fruit that is thrown and otherwise featuring oranges and other fruit.

THE COMPLAINT

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

The OPC considers the app is misleading or likely to mislead or deceive as to the content of Fanta and therefore breaches:

- *AANA Food and Beverages Advertising and Marketing Communications Code, clause 2.1, 2.6;*

- *AANA Code of Ethics, clause 1.2 and 1.5*

- *AANA Code for Advertising and Marketing Communications to Children, clause 2.2(a)*

While we also take the view that the app is a marketing communication directed to children for a drink that does not represent a healthy dietary choice, we recognise that the narrow

definition of 'medium' in the AFGC's Responsible Children's Marketing Initiative does not include apps. Given the reach of apps as a marketing tool, particularly to children, we consider this to be an irresponsible exclusion (although clearly intended as by comparison, the definition of 'medium' in the AFGC's Quick Service Restaurant Industry Initiative does include interactive games, such as apps).

The app is misleading or likely to mislead.

The app features a Fanta bottle filled with oranges and the theme of the app is oranges and other fruit, suggesting that Fanta is an orange or fruit based drink. It is not. Fanta is a sugar-sweetened beverage (SSB) containing between 12-14 teaspoons of sugar per 450ml bottle. Its ingredients are Carbonated Water, Sugar, Orange Juice from Concentrate (2.1%), Food Acid (330), Flavour, Natural Colour (160c), Preservative (202), Antioxidant (300). It contains no oranges or any other fruit, it is predominantly water and sugar.

The depiction of oranges throughout the app (and particularly filling the Fanta bottle) clearly has the capacity to mislead consumers, and children in particular. This is particularly concerning at a time when one in four children are overweight and obese, and sugar sweetened beverages are considered a leading contributor. According to the Australian Dietary Guidelines produced by the National Health and Medical Research Council (NHMRC), sugar-sweetened drinks (which include sugar-sweetened soft drinks and cordials, fruit drinks, vitamin waters, energy and sports drinks) are the largest source of sugars in the Australian diet, with consumption highest in adolescents and children. The Guidelines recommend that the consumption of added sugar in the diet be limited, particularly sugar-sweetened drinks. These recommendations are based upon evidence of a probable association (Grade B evidence) between sugar-sweetened beverage consumption and an increased risk of weight gain in adults and children. They are also based upon evidence of a suggestive association (Grade C evidence) between soft drink consumption and an increased risk of dental caries in children, as well as an increased risk (from cola drinks) of reduced bone strength. In view of this evidence, misleading consumers to believe these drinks contain real fruit has the potential to be incredibly damaging. We are also concerned that marketing such as this undermines parents attempts to encourage their children to avoid sugary drink (and indeed children's attempts to avoid these drinks).

The app is directed primarily to children.

When regard is had to the theme, visuals, and language used, the app is clearly a marketing communication directed primarily to children for the purpose of the AANA Food and Beverages Advertising and Marketing Communications Code.

We anticipate the advertiser will assert the app is directed to adolescents over the age of 13. We strongly disagree. The fun themes and cartoon characters clearly target children under 12 and the 'Crew' are clearly children under 12. The majority of the games are also very basic and unlikely to interest a child over the age of 12.

No age requirement to play is reasonably apparent when accessing the app and the games on the app. Any age requirement in the terms of use (which we were not able to access via the link provided) would be insufficient to dissuade a child from using the website, nor would it counter the overall clear intention that this app be enjoyed by children, while Fanta products and branding are marketed to them.

Of course, for the reasons outlined above, the app should be found to breach the AANA Food and Beverages Advertising and Marketing Communications Code and the AANA Code of Ethics even if it is not considered to be directed to children.

We ask that the Board require the advertiser to remove the Fanta app immediately.

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 email and letter clarifying that as the FANTA Fruit Slam 2 application (the “App”) is available for download from the App Store on iTunes in Australia, a full response is required to the complaint.

As outlined in our letter, Coca-Cola South Pacific Pty Ltd (“CCSP”) did not create, promote or publish the App. We provide this response on behalf of The Coca-Cola Company, domiciled in Atlanta, Georgia, United States of America.

Substantiation of any health, nutrition or ingredient claims or statements

The App does not contain any health, nutrition or ingredients claims or statements.

Comprehensive comments in relation to the complaint

The complainant alleges that the App is misleading or likely to mislead or deceive as to the content of the FANTA beverage and is marketing communication directed to children for a beverage that does not represent a healthy dietary choice.

We respond to each of the relevant provisions of the codes the Board will consider the complaint under, as follows:

Australian Food and Grocery Council’s Responsible Children’s Marketing Initiative (“RCMI”)

Section 1.1 of the RCMI provides that advertising to children for food and/or beverages must, amongst other things, represent healthier dietary choices and be in the context of a healthy lifestyle.

Children are defined in the RCMI as “Persons under 12 years of age”. The word “primarily” is not defined and therefore is interpreted using its dictionary definition of “in the first place”. We note that this interpretation is supported in the AANA Code of Advertising and Marketing Communications to Children Practice Note.

CCSP submits that the App is not primarily directed to persons under 12 years of age. Rather, it is directed primarily to teens aged between 15 – 17 years.

The Coca-Cola Company has always taken seriously its commitment to market responsibly, across the globe, across all advertising media, and across all of our beverages. Our company has been a leader in the area of Responsible Marketing and honouring the rights of parents and caregivers to make the appropriate choices for their children is a cornerstone of our Responsible Marketing Policy. Our company is also committed to monitoring and measuring our adherence to the Responsible Marketing Policy across all the markets we serve, and has established a Children’s Review Process to help guide the Responsible Marketing Policy. We publish compliance findings within our corporate sustainability report. CCSP is absolutely committed to ensuring the Responsible Marketing Policy is implemented in Australia and this

commitment is reinforced by our voluntary signature of the RCMI and associated RCMI Action Plan. It is of fundamental importance to us to be part of, and responsible to, the communities in which we operate.

The FANTA Crew featured in the App have been drawn to represent 17 year olds. The Crew is visually depicted as older teens by their body shapes, hairstyles, wardrobe, facial expressions, body language, gestures and accessories – all designed to reflect older teen culture with 15 – 17 year old appeal. The Crew

are intended to be recognisable to teens as representative of the sub-cultures they encounter at high school.

The animation style and functionality of the App is unlike popular apps designed for children such as Peppa's Paintbox, Club Penguin, ABC for Kids, etc. Nor is the App available for download in the Kids app section of iTunes. Rather, it is available in the general Games app section as it is not directed primarily to children. Animation and simple tap screen functionality is common amongst apps which appeal to a wide age group, such as Angry Birds and Bad Piggies. Animation does not necessarily indicate that an app is directed primarily to children. The Code of Advertising and Marketing Communications to Children Practice Note acknowledges that animation is not necessarily indicative of a marketing communication directed primarily to children. The vast majority of apps are in fact animated. In relation to the functionality, the nature of playing a game on an iPhone or iPad requires simple touch functionality, regardless of the age of the intended user. Apple's Terms and Conditions for the iTunes Store require that the minimum age requirement for use of the service is 13 years. Children therefore have no way of being aware of or exposed to the App unless a person aged 13 or over has downloaded it.

We submit that, considering its placement, content and functionality, the App is not advertising directed primarily to children and therefore falls outside the scope of the RCMI.

AANA Food and Beverages Marketing and Communications Code (the "Food & Beverages Code")

We note that the Board will consider the complaint under the Food & Beverages Code provisions in relation to truthful, honest advertising (2.1), claims relating to material characteristics being accurate (2.6); and advertising to children not being misleading as to nutritional or health claims (3.1). We respond to each of these provisions in turn.

Section 2.1 provides that food and beverage advertising must, amongst other things, be truthful and honest, not be designed to be misleading or deceptive and accurately present all information including any references to nutritional values or health benefits. These matters are similarly dealt with under the Australian Consumer Law. Compliance with the Australian Consumer Law, the Food Standards Code and all applicable laws and regulations is of utmost importance to our Company. This is a commitment we make in our Trade Practices Compliance Policy (a copy of which is attached) as well as our Company's Code of Business Conduct. These requirements are taken into consideration in the design, review and approval of all labelling and advertising, including digital advertising.

The App features the FANTA beverage, one of the world's most well-known soft drinks. The most popular flavour in Australia is the orange flavour which is made with carbonated water,

sugar, orange juice from concentrate (2.1%), food acid, flavour, natural colour, preservative and antioxidant. The other flavour variants in the FANTA range contain similar ingredients but do not contain any juice concentrate. The fruity tasting flavours in the range are very clearly marked as flavours (eg FANTA grape flavour), and not as juice (ie FANTA grape or grape juice). Similarly, the graphic depictions of the fruity flavours on packaging and advertising are always in highly stylised graphic form, quite distinct from realistic fruit representations depicted on juice products. The App similarly features highly stylised, unrealistic looking fruit. The fruit depicted in the App is not a representation of the ingredients, but rather the fruity flavours in the FANTA range and is integrated in a fun way in the App to play dodge ball with. We consider that the fruit graphics are unlikely to mislead or deceive the App users as to the composition of the FANTA soft drink.

Section 2.6 provides that food and beverage advertising claims regarding taste, content and nutrition, amongst other things, are accurate in all such representations. As outlined above, the fruit graphics contained in the App are highly stylised representations of the various fruity flavours in the FANTA range. The flavour range varies from country to country and includes rotational fanciful fruit flavours such as sour watermelon, choc orange, blue lemonade and strawberry sherbet. We are comfortable that the App does not contain any inaccurate representations as to the taste, content and nutrition of the soft drink and the fruit graphics are not depicted in a way to suggest that FANTA is a fruit juice or fruit drink.

Section 3.1 provides that food and beverage advertising to children must not be misleading or deceptive in relation to any nutritional health claims. The Food & Beverages Code defines “Advertising or Marketing Communications to Children” as:

“... Advertising ... which, having regard to the theme, visuals and language used, are directed primarily to Children and are for a Children’s Food or Beverage Product”.

“Children” are defined as “... persons 14 year old or younger ...”. We submit that the App is not directed primarily to children aged 14 years or younger and therefore falls outside of the scope of section 3.1. The Food & Beverages Code Practice Note states that the same criteria articulated in the Children’s Code Practice Note, including visual techniques, the product being advertised and the age of the characters in the advertising, will be used to determine whether advertising is directed primarily to children. As outlined above, the App is aimed in the first instance at 15 – 17 year old teens. The FANTA product itself is enjoyed by a wide age group, some of which may be children under the supervision of parents in a family environment, however the product is not targeted to children in accordance with the Company’s Responsible Marketing Policy and the RCMI. As discussed above, the content, placement and functionality of the App is designed to speak to teen culture with an emphasis on clothes, hairstyles and sub-cultural archetypes. The Crew themselves are drawn to be 17 years old.

We note that the definition of a child/children in the Children’s Code differs from the RCMI. We understand that this difference may originate from the disparity between the states and territories in relation to the age at which children commence high school. Nevertheless, whether a child is defined as being 12 or 14 years of age or under, we submit that the App is not primarily directed to children and therefore falls outside the scope of section 3.1 of the Food & Beverages Code.

Our Company takes its obligations in relation to truth in advertising seriously. We submit

that the App does not contain any misleading or deceptive representations and does not breach any of the provisions of the Food & Beverages Code, including section 2.1 and 2.6. We also consider that, due to the nature of the App's content, placement and functionality, is not advertising directed primarily to children and therefore falls outside the scope of both the RCMI and section 3.1 of the Food & Beverages Code.

THE DETERMINATION

The Advertising Standards Board (Board) considered whether this advertisement breaches the AANA Code for Advertising and Marketing Communications to Children (the Children's Code), the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code), and the AFGC Responsible Children's Marketing Initiative of the Australian Food and Grocery Council (AFGC RCMI).

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

The Board noted the complainant's concern that the advertisement breaches the AFGC RCMI because it is directed primarily to children, and is likely to mislead children and consumers into thinking the beverage contains real oranges.

The Board noted the complainant's reference to the definition of medium not including apps. The Board noted that S1.3 of the Code states: Signatories must ensure that any interactive game directed primarily to Children which includes the Signatory's food and/or beverage products is consistent with S1.1.

Based on this, the Board determined that the app is suitably considered under the Initiative.

The Board noted the fundamental requirement is that a signatory company does not advertise food and beverage products to children under 12 unless those products represent healthy dietary choices.

The Board noted the RCMI Initiative provides that advertising or marketing communication activities are advertising or marketing communications to children and therefore captured under the RCMI Initiative if:

1. the content of the advertisement or marketing communication which, having regard to the theme, visuals and language used, are directed primarily to children (and are for food and/or beverage products).
2. the placement of the advertisement or marketing communication is in a medium that is directed primarily to children. (in relation to television, all C and P rated programs and other rated programs that are directed primarily to children through their themes, visuals and language); and/or
3. where Children represent 35 percent or more of the audience of the Medium.

The Board noted that it must consider whether the advertisement or marketing communication is, having regard to the theme, visuals and language used, directed primarily

to children (and are for food and/or beverage products).

The Board noted the dictionary definition of ‘primarily’ is ‘in the first place’ and that to be within the AFGC RCMI the Board must find that the advertisement is aimed in the first instance at children under 12.

The Board recognises that children of this age are unable to make purchasing decisions on their own but considered that this is not relevant to whether or not the content of the material is directed primarily to children.

The Board noted with regards to Point 1, the Board must consider whether the content of the advertisement or marketing communication which, having regard to the theme, visuals and language, are directed primarily to children (and are for food and/or beverage products). In this case the Board must therefore consider the content of the game in the form in which it is finally downloaded and available for access by any person.

The Board noted the marketing communication is an interactive game, in app format, “Fruit Slam 2” involving the members of the Fanta Crew on an island hiding behind obstacles so as to avoid being hit by fruit. They also return fruit to be avoided by the player. The game incorporates a series of levels and collection of points earned against the clock which leads to the accumulation of additional bonus points.

The Board considered the theme of the advertisement (an interactive cartoon-style game) which requires the throwing of and hiding from large fruits and making certain achievements which result in the accumulation of points.

The Board noted that the skill level of the game is very simple at the first stages, becoming more complex as the various stages are completed. The Board considered that the theme of collecting points would be clear to young children who would enjoy getting high scores and then trying to better those of their friends. The Board noted that the overall impact of the game is very simplistic and that young children would find the game more appealing than older teens because of its simplicity.

The Board then considered the visuals of the game. The Board noted that the game features cartoon characters who resemble teenagers and bright colours set on a beach or island. The Board noted there are surfboards for the characters to hide behind and cool characters to choose from.

The Board noted it had previously considered an app for McDonald’s 0558/14 which featured cartoon animation, where a cartoon character had to avoid objects while falling through the sky.

In its determination of case 0558/14 the Board found that “the style of game is common among many interactive games that involve the collection of quantities of a certain thing or token in order to progress or to achieve certain goals. The Board acknowledged that children would find most cartoon style games to be of appeal but considered in this instance the cartoon images are designed to reflect popular culture references aimed at adults and there is no particular context or images that give the cartoon character or any of the visuals particular direction to children other than the fact they are animated.”

In contrast to case 0558/14, in the current case, the Board considered that although the style of game is common among many interactive games that involve the collection of quantities of a certain thing or token in order to progress or to achieve certain goals, in this instance, the cartoon images are designed to represent teens and that the representation of teens playing on the beach with friends is something that younger children would consider “fun” and something that they aspire to do themselves particularly those close to becoming teenagers, in the 9 – 12 age range.

This Board noted the game consists solely of cartoon images. In the Board’s view the cartoon characters do represent young teenagers and in the Board’s view based on their own experiences with young children and teenagers, these representations are more likely to appeal to younger children who aspire to be teenagers and would consider teenagers as role models rather than being of stronger specific interest to teenagers. The Board considered therefore that the teenage characters are most strongly directed to children in the 9 to 11 years age bracket.

The Board then noted that there is no specific language used and the characters do not talk. The Board noted there is background music played throughout the game.

A minority of the Board agreed broadly with the advertiser’s statements and considered that, although attractive to children, the overall impression of the game is equally directed to an older audience.

However, a majority of the Board considered that the app is more than just attractive to younger children but is clearly directed primarily to children under 12. The Board considered, for the reasons outlined above regarding the visuals, language and themes that the advertisement is likely to be enjoyed by a general audience but considered that it is most attractive to and directed primarily to children under 12.

Overall the Board considered that consistent with previous determinations for similar complaints (0558/14, 0166/14 and 0383/13,) including a cartoon image will not of itself mean that an advertisement is directed primarily to Children. It is essential for the Board to consider all elements of the advertisement and to make a decision based on how all of the elements of the advertisement interact, and the overall impression that they make, in determining whether an advertisement is clearly directed primarily to Children. In this instance the Board considered that the compilation of the theme, visuals and language of the ‘Fruit Slam 2’ App would not just be attractive to children but directed primarily to Children.

The Board considered that the advertisement includes animation, colours and images of young teens on a beach, all of which appeal to child audiences and determined that the advertisement is clearly directed primarily to children under 12 and that the first part of s1.3 is satisfied.

The Board noted that as Point 1 has been met, the requirements within points 2 and 3 do not apply in this instance.

The Board noted that as the material is directed primarily to children and includes the signatory’s brand, it must comply with core principle s1.1 of the AFGC RCMI.

S1.1 requires that Advertising and Marketing Communications to Children for food and/or

beverages must:

a. Represent healthier dietary choices, consistent with established scientific or Australian government standards, as detailed in Signatories' Company Action Plan;

And

b. Reference, or be in the context of, a healthy lifestyle, designed to appeal to Children through messaging that encourages:

i. good dietary habits, consistent with established scientific or government standards; and

ii. physical activity

The Board first considered whether the product is a healthy dietary choice.

The Board noted the advertiser's response that the Company Action Plan developed pursuant to the AFGC RCMI does not include nutrition criteria used to determine healthier dietary choices for children because it is the firm policy (consistent with the Company's global policy) not to engage in direct marketing of beverages to children under 12.

The Board noted that the advertiser provided an ingredient list and a nutrition information panel for a 375ml can of Fanta. The Board sought advice relating to the nutritional content of the product and whether it would meet the criteria above relating to established scientific or Australian government standards.

The independent arbiter for the RCMI advised the Board that:

"The Company Action Plan developed by Coca Cola South Pacific pursuant to the RCMI does not include nutrition criteria for determining healthier dietary choices for children because the company has indicated that its policy is to not directly market their beverages to children under 12 years of age. In the absence of defined nutrition criteria in the Company Action Plan, the Advertising Standards Board have requested that the Arbiter provide an opinion on whether the advertised Fanta soft drink products meet the definition of a healthier dietary choice that is consistent with established scientific or Australian government standards.

The Australian Dietary Guidelines for Children and Adolescents (ADGCA) provide dietary recommendations for children and adolescents that are based on scientific evidence. A companion document, the Australian Guide to Healthy Eating (AGHE) assists with translating these recommendations into appropriate food choices. All accepted standards relating to dietary recommendations for children are based on the ADGCA and the AGHE.

Consistent with the ADGCA, the AGHE identifies soft drinks as "extra" foods that do not provide essential nutrients and, because of their high sugar content, should be consumed only occasionally and in small amounts to avoid displacing healthy foods that do provide essential nutrients. Thus, soft drinks cannot be considered a healthy food choice.

Therefore, the Fanta soft drink products that are the subject of the current complaint under the

Australian Food and Grocery Council's RCMI do not meet the definition of a healthier dietary choice according to established scientific or Australian government standards”

Based on the Board's determination that the marketing communication is directed primarily to children and the advice of the independent arbiter that the product does not represent a healthier dietary choice, the Board determined that the marketing communication breached the core principle s1.1 of the RCMI.

The Board then considered whether the advertisement complied with all relevant provisions of the Food and Beverages Code.

The Board considered section 2.1 of the Food Code which provides: 'Advertising or marketing communications for food ...shall be truthful and honest, shall not be or be designed to be misleading or deceptive or otherwise contravene prevailing community standards, and shall be communicated in a manner appropriate to the level of understanding of the target audience of the Advertising or Marketing Communication with an accurate presentation of all information including any references to nutritional values or health benefits.'

The Board considered that the advertising of Fanta in an app is not of itself contrary to prevailing community standards. The Board noted that at the end of each level, an image of a bottle fills with pieces of fruit and the Board discussed whether the depiction of the Fanta bottle filling with fruit, gives the impression that the product is a fruit drink or full of fruit.

In relation to section 2.1 of the Code the Board considered the Practice Note to the Food code which provides that “The Board will not attempt to apply legal tests in its determination of whether advertisements are truthful and honest, designed to mislead or deceive, or otherwise contravene prevailing community standards in the areas of concern to this Code.

In testing the requirement that an advertising or marketing communication should not be designed to be misleading or deceptive, or otherwise contravene prevailing community standards, the Board will consider the advertiser's stated intention, but may also consider, regardless of stated intent, that an advertisement is by design misleading or deceptive, or otherwise contravenes prevailing community standards in particular regard to stated health, nutrition and ingredient components of the food or beverage product.

Thus, an advertising or marketing communication may make reference to one or more of the nutritional values or health benefits of a product but such references must be accurate and appropriate to the level of understanding of the target audience, and must not misleadingly represent the overall nutritional or health benefits of the product.”

The Board considered that the product 'Fanta' is well known by consumers as being an orange coloured soft drink. The Board noted that the advertiser provided information stating that the product contains 'Orange Juice from Concentrate (2.1%)' and that while the animation fills the bottle with orange pieces, this could equally be interpreted as a reference to the end product which is orange in colour and containing some orange concentrate.

The Board agreed that the bottle is intended to show a degree of completion and that children would understand the bottle to be representing the end of the level rather than a representation of a beverage product being full of fruit. The Board considered that in the context of the product being clearly a soft drink, not a fruit juice, it is not likely to be seen as

representing high fruit content.

The Board agreed that the material was not misleading and not intended to be misleading or deceptive and did not breach section 2.1 of the Food and Beverages Code.

Section 2.2 of the Food Code provides that ‘advertising or marketing communication...shall not undermine the importance of healthy or active lifestyles nor the promotion of healthy balanced diets, or encourage what would reasonably be considered excess consumption through the representation of product/s or portion sizes disproportionate to the setting/s portrayed or by means otherwise regarded as contrary to prevailing community standards.’

The Board considered that the advertising or promotion of a beverage of a particular nutritional composition is not inconsistent with or undermining of a balanced diet or healthy lifestyles. The Board considered that the material depicts characters avoiding being struck by fruit, not depicting a choice of consuming fruit or the product. The Board considered that the advertisement did not suggest consumption of excessive amounts of the product. The Board determined that the advertisement did not breach section 2.2 of the Food Code.

The Board then considered whether the Children’s Code applied.

The Board considered the definition of advertising or marketing communication. Under the Children’s Code, Advertising or Marketing Communications to Children means “Advertising or Marketing Communications which, having regard to the theme, visuals and language used, are directed primarily to Children and are for Product.” The Board noted that Children are defined as “...persons 14 years old or younger” and Product is defined as “...goods, services and/or facilities which are targeted toward and have principal appeal to Children.”

The Board noted it had already determined the advertisement was directed primarily to children based on the theme, language and visuals used.

The Board considered whether the advertisement meets the definition of Product. The Board noted the advertised product is a fizzy drink, Fanta, and considered that whilst this product would be of appeal to children in the Board’s view, Fanta is a product that would also be of appeal to older teenagers and young adults. The Board determined that Fanta is not a product targeted towards, and of principal appeal to, children under 14.

Finding that the advertisement does not meet the criteria for Product under the Children’s Code the Board considered that this Code does not apply.

Finding that the advertisement did breach the RCMI for the reasons mentioned above, the Board upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

Coca-Cola is committed to marketing its products responsibly. This commitment is articulated in our Responsible Marketing Policy. Specifically, we do not design marketing communications in a way that directly appeals to children under 12, nor do we place advertising in media which has more than a 35% audience composed of children. This commitment is also demonstrated by CCSP’s voluntary signature of the AFGC’s RCMI. We are therefore disappointed that the ASB has found that the FANTA Fruit Slam 2 App,

through its themes, visuals and language, is primarily directed to children. This decision is not reflective of our intention. We respect, however, the decision of the ASB and have arranged for the App to be removed from iTunes Australia.