



**ADVERTISING
STANDARDS
BUREAU**

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Case Report

1	Case Number	0253/14
2	Advertiser	Cantarella Group
3	Product	Food and Beverages
4	Type of Advertisement / media	Free TV
5	Date of Determination	23/07/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The Television Advertisement the subject of the complaint is part one (1) of the series, and features Mr Rodriguez engaging in a monologue discussing the “basics” in obtaining a perfect espresso – namely, a 25-second pour, perfectly roasted beans and a rich golden crema. Mr Rodriguez, much like his Manny character, is adorned in the adult attire of a fedora hat, shirt and blazer, and is located at the very adult setting of a pool club, while Havana-style music plays in the background. As he discusses the “basics”, there are cut-to scenes of Mr Rodriguez being frustrated with standard of some of the coffee he encounters, and so, he states at the end of the advertisement that he has “decided to find that perfect espresso” and especially where he is “only allowed one per day so it has to be good.” The Television Advertisement then ends with a still shot of Caffè Aurora packs of coffee, with the tagline “Stop Searching. Aurora”.

THE COMPLAINT

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

The advertisement is encouraging young children to drink coffee. Medical professionals have confirmed that the consumption of coffee or caffeinated beverages by children can be harmful and is not encouraged. I think it is against community standards to show advertising that

normalises and condones the consumption of coffee by children.

THE ADVERTISER'S RESPONSE

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

We refer to your letter regarding the complaint raised against our Caffè Aurora television advertisement (the Television Advertisement).

We also refer to our letter to you in relation to Case 0441/13 which dealt with an identical complaint against our Caffè Aurora print advertisement (the Print Advertisement), and to the determination of the Advertising Standards Bureau Board on 29 January 2013 in relation to that complaint.

The Board determined in that case that the Print Advertisement did not breach any of the Advertising Standards Codes, and to the same extent, we consider that the Television Advertisement the subject of the current complaint is similarly not contrary to the applicable codes.

The Advertisement

The Television Advertisement's CAD Reference Number is AUR001030 and CAD Rating is "G".

The Television Advertisement has recently run for a period of 2 weeks on free-to-air television, commencing on 15 June 2014 and ending 28 June 2014, in Sydney and Melbourne, with a total of 293 television spots. The Television Advertisement aired during programs which have a primary demographic of grocery buyers aged 25-54 years old, in line with the Caffè Aurora target market.

Background

The Television Advertisement features the actor Mr Rico Rodriguez, who at the end of this July will be 16 years of age, and is a cast member of the popular television series “Modern Family”, broadcast on Channel 10 at 6.00pm on various weekdays and weekends. Mr Rodriguez’s character on the television show, “Manny”, is depicted as an outspoken teenager with maturity beyond his years. He is an “old soul” who is more comfortable in associating with adults, maintaining a romantic spirit and often giving out sage advice. As part of this persona, Manny maintains an affection for drinking espresso coffee, particularly in comparison to his step-father “Jay”, who drinks large mugs of coffee. In one episode, Jay poses the question, “Why are you drinking coffee?” to which Manny responds “I’m Colombian, it’s part of my culture!” In another episode, Manny asks Jay to enjoy some French-press coffee, which he also comments “I was doubtful too but I can’t see myself going back to drip coffee”. Attachment-B is an example video clip from the television show where Manny is sitting at the breakfast table in a suit, enjoying an espresso.

The Television Advertisement forms part of a four (4) part television advertisement series, where Mr Rodriguez searches for the perfect espresso. Playing on the “Manny” persona, Mr Rodriguez searches various café outlets, until he finally strikes gold at a café serving Caffè Aurora. Copies of the other television advertisements are enclosed at Attachments C to E.

The Television Advertisement the subject of the complaint is part one (1) of the series, and features Mr Rodriguez engaging in a monologue discussing the “basics” in obtaining a perfect espresso – namely, a 25-second pour, perfectly roasted beans and a rich golden crema. Mr Rodriguez, much like his Manny character, is adorned in the adult attire of a fedora hat, shirt and blazer, and is located at the very adult setting of a pool club, while Havana-style music plays in the background. As he discusses the “basics”, there are cut-to scenes of Mr Rodriguez being frustrated with standard of some of the coffee he encounters, and so, he states at the end of the advertisement that he has “decided to find that perfect espresso” and especially where he is “only allowed one per day so it has to be good.” The Television Advertisement then ends with a still shot of Caffè Aurora packs of coffee, with the tagline “Stop Searching. Aurora”.

The Television Advertisement, through Mr Rodriguez’s monologue and actions, and allusion to his “Manny” character, seeks to espouse Caffè Aurora as a high quality and preferred coffee brand.

The Television Advertisement is directed to the Caffè Aurora target market who,

- a) Are adults, predominately aged 25 years to 54 years,*
- b) Purchase pure coffee product in supermarkets or at cafés;*
- c) Would watch or know of the “Modern Family” show, which we are informed has a primary audience of male and females aged 25 – 54 years; and*
- d) Would identify and appreciate the Advertisement’s use of “Manny” and his love of quality coffee.*

The Complaint

We make the following comments in relation to the complaint:

- 1. It is not our intention, nor in fact, is the Television Advertisement targeted to “children”, nor does it promote the consumption of coffee product by “children”, as the term “children” is defined under the Code of Ethics. The Television Advertisement cannot be considered as falling within the definition under the Code of Ethics of an “Advertising or Marketing Communication to Children.”*
- 2. There is currently no law or regulation in Australia that prohibits the sale of coffee or products containing caffeine to children. Further, there is currently no recognised health-based guidance value, such as an Acceptable Daily Intake, for caffeine.*
- 3. The Advertising Standards Board determined in Case 0441/13 in relation to the Print Advertisement (wherein Mr Rodriguez is depicted holding an espresso cup with the quotation “I’m allowed one per day so it has to be good”), that:*

“The Australian Dietary Guidelines (2013) state that “...tea and coffee....are not suitable for young children....” and considered that Manny would not be considered to be a young child by most members of the community. The Board noted that cola drinks, energy drinks and foods containing caffeine are available and of appeal to children and considered that a depiction of a teenager stating he can drink one coffee a day is not a depiction which would be in breach of prevailing community standards.”

4. In furtherance of the Board’s notation set out above, we note that children may purchase, and do consume, an array of products containing caffeine in equivalent or greater amounts than an espresso coffee. A standard espresso coffee can contain 40-90mg of caffeine, depending upon the type of coffee bean and strength of the brew. We note the public record identifies the caffeine content in the following products,

- a) Tea (black, green or white): 30 to 100mg (depending on type and strength of brew)*

- b) Cocoa and hot chocolate drink 150ml: 10 to 70mg (depending on type of chocolate used and the strength of the drink)*

- c) Chocolate Bar 30g: 20 to 60mg*

- d) Cola Drink 375ml: 35mg*

- e) Energy Drink 250ml: 70 to 80mg*

- f) Energy Drink 500ml: 150 to 160mg*

5. Given the above, and in accordance with the determination of the Board in Case 0441/13 in relation to the Print Advertisement, we do not consider that the Television Advertisement is contrary to any prevailing community standards, including in relation to health and safety, or otherwise in breach of the Code of Ethics.

6. We do not consider that the Television Advertisement is in breach of the Food & Beverages Advertising & Communications Code. In relation to item 2.2 particularly, the

Advertisement does not promote an unhealthy lifestyle, or excessive consumption. The Advertisement contains an express limitation on consumption of coffee through the statement of Mr. Rodriguez that “I’m only allowed one per day so it has to be good.” The effect of that copy is not to focus on the amount of coffee that is permissible to be consumed, but rather upon the quality of the Caffe Aurora brand.

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 complainants’ concern that the advertisement depicts a child claiming he can drink one coffee a day which is against prevailing community standards on caffeine consumption by children as it normalises and condones this sort of behaviour.

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

The Board considered Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted the advertisement features Rico Rodriguez who plays the character of Manny from the popular television series Modern Family. Mr Rodriguez discusses the “basics” in obtaining a perfect espresso after surveying coffee and discussing coffee preparation. Rico wanders around a pool and rides in a limousine in the search for the perfect coffee. At the end of the advertisement he states as he is “only allowed one per day so it has to be good.”

The Board noted that it had previously dismissed a transport advertisement for the same advertiser (ref: 0441/13) that featured the same actor holding a cup of coffee with the same reference to only one per day. In this instance the Board noted that “... cola drinks, energy drinks and foods containing caffeine are available and of appeal to children and considered that a depiction of a teenager stating he can drink one coffee a day is not a depiction which would be in breach of prevailing community standards.”

The Board noted the advertiser’s response that included information relating the caffeine content in products such as chocolate bars, cola and energy drinks. The Board noted that these products are readily available for purchase and consumption by children and teenagers. The Board noted the requirement within the Australian Dietary Guidelines relating to the consumption of caffeine by children which states that:

“The Australian Dietary Guidelines (2013) state that “...tea and coffee...are not suitable for young children...”

The Board noted that consistent with the determination above, the character of Manny is one that is recognisable by many members of the community and that his role in the current advertisement is in line with the character from the program and that it is not unusual to see him taking on an adult persona although he is a teenager and that this behaviour is not necessarily promoting coffee consumption by teenagers.

The Board noted above that the dietary guidelines suggest that coffee is not suitable for

young children and note that the advertisement is clearly saying that he is only allowed one per day. The Board considered that this was a clearly suggesting limitations on the consumption of coffee.

The Board considered that the advertisement did not depict material contrary to prevailing community standards on health and safety and did not breach Section 2.6 of the Code.

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