



Case Report

1	Case Number	0256/16
2	Advertiser	Sanitarium Health Food Company
3	Product	Food and Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	08/06/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.3 - Violence Hooliganism-vandalism-graffiti
- 2.3 - Violence Violence

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement is set in a small convenience store. We see a teenager in the queue to purchase a bottle of what appears to be iced coffee. We hear a whistle blow and see an energetic coach run up to the teenager and ask what he is doing wrong. He then grabs his iced drink and throws it at a fridge where it breaks and we see liquid explode over the glass door. The coach hands a bottle of Up & Go to the boy and says it is the most important drink of the day.

THE COMPLAINT

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

Coach walks in takes iced coffee off boy and throws at glass door on fridge and smashes everywhere. And hands him up and go. The coach shows disrespect for shop owner and leaves mess. If he did that to my store I would kick him out after I made him clean up the mess and would discourage boy from playing with such an ill mannered coach.

THE ADVERTISER'S RESPONSE

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

We refer to the letter received in relation to the above complaint.

We have considered the complaint and the advertisement in question in light of the provisions of the AANA Code of Ethics (“AANA Code”) and the AANA Food and Beverages: Advertising and Marketing Communications Code (“F&B Code”). We note that the nature of the complaint relates generally to the AANA Code and specifically to the concern that the advertisement in question depicts a sports teacher behaving disrespectfully.

We have carefully considered the AANA Code and the F&B Code, and have assessed the provisions against the content of this advertisement. We submit that the advertisement does not breach the AANA Code or the F&B Code on any of the grounds set out in the same.

We note the complaint is primarily concerned with the AANA Code. Looking at the AANA Code, Provision 2.3 states that advertising and marketing communications “shall not present or portray violence unless it is justifiable in the context of the product or service advertised.” We note the advertisement in question depicts a man throwing a bottle of iced coffee at a refrigerator door.

We note that during the scene in question no one in the advertisement appears threatened or frightened by the action of throwing the bottle. The person who owns the bottle looks surprised and annoyed, however as the sports teacher character quickly moves on to explaining the nutritional benefits of UP&GO, the expression of the character quickly changes from surprised to simply bemused. Further, we note the bottle was not thrown towards any individual, and no individual is depicted as being injured by the bottle or inconvenienced by the mess caused. Accordingly, we submit that no violence has been depicted in the advertisement and therefore there has been no breach of Provision 2.3.

Further to the above, we note Provision 2.6 of the AANA Code states that advertising and marketing communications “shall not depict material contrary to Prevailing Community Standards on health and safety.” We note the complainant’s concern that the behaviour of the sports teacher in the advertisement is not appropriate and disrespectful to the shop owner.

Firstly, we note the entire scenario depicted in the advertisement is very clearly over the top and tongue in cheek. The performance of the sports coach is deliberately and clearly exaggerated for comedic effect, playing on the well-known stereotype of the overzealous sports coach or teacher, which most viewers will recognise. The depiction is intended to be humorous and light-hearted, and is not intended to be taken as a serious portrayal of normal and acceptable behaviour. The advertisement does not condone the actions of the sports teacher in any way nor does it glorify or celebrate them. The other characters in the advertisement are not threatened by his behaviour, but are simply bemused by his odd outburst.

Specifically, the shop owner is not depicted as annoyed by the outburst of the sports teacher, but rather, interested in the nutritional facts he claims. The shop owner’s lack of acknowledgment of the mess caused by the action is further evidence that this is not a realistic scenario and again, most viewers will recognise this.

Lastly, regarding the complainant’s specific concern regarding the mess, we note that the aftermath of the action of throwing the bottle is not shown in the advertisement. The advertisement does not imply in any way that the sports teacher left the mess behind, as the

mess itself is only briefly depicted in the advertisement and the clean-up left to the viewer's imagination.

Accordingly, we submit that the advertisement does not breach Provision 2.6 of the AANA Code, or any other provision of the same.

Finally, with regards to the F&B Code, we note that the only specific provision of the F&B Code that is applicable to this advertisement is Provision 2.3 in respect of nutritional claims. In this respect we confirm that all nutritional claims in the advertisement have been adequately qualified and supported. Accordingly, in our view no provisions of the F & B Code have been breached.

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 a man taking a drink off a boy and throwing it against a fridge in a convenience store which is not appropriate behaviour.

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

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Board noted that this television advertisement features a coach taking an iced coffee drink from a teenager and throwing it against a fridge before handing him an Up & Go drink and saying it is the most important drink of the day.

The Board noted that when the coach throws the iced coffee at the fridge we see the drink bottle break and the drink splashes across the fridge door. The Board noted the shopkeeper's reaction and considered that he does not appear to be frightened or upset at the coach's behaviour. The Board noted the teenager's response to his drink being snatched from his hands and thrown away and considered that he looks confused rather than scared or upset. The Board noted that we see the teenager drinking the Up & Go handed to him by his coach and considered that this suggests that he is not concerned by the coach's earlier behaviour.

The Board acknowledged that throwing a drink inside a convenience store is not behaviour which should be encouraged but considered that the advertisement is clearly an exaggerated depiction using an unrealistic scenario of an over-the-top coach, to promote a product. The Board noted that no-one is hurt in the advertisement and considered that there is no suggestion that the coach's actions should be encouraged or condoned.

The Board considered that the advertisement did not present or portray violence and determined that the advertisement did not breach Section 2.3 of the Code.

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

dismissed the complaint.