



Case Report

1	Case Number	0264/15
2	Advertiser	Red Bull Aust Pty Ltd
3	Product	Food and Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	08/07/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

A fortune teller and her client are sitting at a table. The fortune teller is reading the client's palm but you can't see his other hand. The fortune teller tells her client that she 'foresees' a great future for him. The client asks if she can read all that from his hand and the fortune teller says yes, but not the one she's holding. We cut and see that he is holding an open can of Red Bull in his other hand.

THE COMPLAINT

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

In the commercial the cartoon characters claim that drinking Red Bull will make you more attractive to the opposite sex.

THE ADVERTISER'S RESPONSE

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

The Red Bull Energy Drink television advertisements demonstrate the vitalizing effects of Red Bull on body and mind in a spirited, fresh and cheeky way via cartoons portraying witty stories that are targeted towards an adult audience. The stories are imaginary and are not

intended to be taken literally or too seriously. The writers have used their creative licence to produce a story that represents the brand's humorous character. In this advertisement, the fortune teller character is simply implying that by noting that the customer is drinking Red Bull, she can 'foresee' that he will likely benefit from the vitalizing effects on his body and mind. The statement made by the 'fortune teller' is not a product claim but an insinuation by a fictitious character. Therefore, we do not believe that this advertisement is in breach of the AANA Code of Ethics.

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 suggests that drinking Red Bull will make you more attractive to the opposite sex.

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

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 this cartoon advertisement features a fortune teller advising a man that she foresees a great future for him which includes being irresistible to women. She then says that she came to this conclusion based on the can of Red Bull he is holding in his other hand.

The Board noted that the fortune teller does admit her prediction about the man becoming more irresistible to women is based on her seeing the can of Red Bull in his other hand. The Board noted that the fortune teller makes other predictions which include a great future, foreign adventures and a successful career and considered that there is no undue focus given to the statement regarding being irresistible to women. Overall the Board considered that in the context of a light-hearted advertisement featuring pseudo-scientific powers, most members of the community would not think that by drinking this product they would become more attractive to the opposite sex.

The Board noted that the advertisement does not feature any nudity or sexualised material and considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

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.