



Case Report

1	Case Number	0268/13
2	Advertiser	Coca-Cola South Pacific
3	Product	Food and Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	14/08/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

Food and Beverage Code 2.1 (a) - Misleading / deceptive

DESCRIPTION OF THE ADVERTISEMENT

The advertisement shows images of various people doing a variety of things as the voiceover describes the commitment of Coco Cola to addressing issues that affect the community. There are scenes of people bike riding and running and fishing. There are also images of the range of products that Coco Cola make and sell.

THE COMPLAINT

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

Coke is telling the public (children included) that they are championing, leading the way in fighting obesity.

Their product range includes products with some of the worst ingredients that cause obesity (medically documented). This is an obvious attempt to muddy the water as to their accountability in contributing to this epidemic worldwide.

In effect they still sell products that cause obesity whilst declaring obesity a major problem. The advertisement is an absolute offence.

Coke contributes to an unhealthy lifestyle! How they can produce an ad that presents coke cola as being concerned for people's health and well-being is just offensive! To show scenes of healthy outdoor pursuits in an ad for coke is ludicrous and insulting. I have never complained about an ad before but coke cola must think we are stupid if they think that kind of ad is acceptable!

The advertisement tells blatant lies. The product causes obesity.

Coca-Cola causes obesity and in no way prevents obesity.

THE ADVERTISER'S RESPONSE

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

We make a number of statements in the advertising that relate to health and nutrition:

That 'We will continue to develop low kilojoule alternatives for our beverage range' – our product development process is confidential, as all commercial manufacturers processes are, but we are actively working on a number of plans in different stages of progression for low-calorie versions of many of the products in The Coca-Cola Company's beverage range. That 'We are investing in physical activity programs to help get young Australians moving' – in addition to the partnership with the Bicycle Network which is announced here <http://www.coca-colajourney.com.au/pedal-power-bicycle-network-and-coca-cola-invite-australians-to-get-on-their-bikes>, we provide support at varying levels to several organisations that work with different sectors of the community to encourage physical activity. These range from grassroots sports programs including the Aus Uni Games, Netball Challenge Carnival Qld, and Football NSW Champs of Champs, larger individual events such as fun runs, and through our community outreach, numerous programs such as Healthy Minds, Healthy Lives, Healthy Futures (Albury Wodonga Community College, Football Skills for Life (Football United & University of South Australia and Move and Groove to Fit and Healthy (Western English Language School). Finally, we have an ongoing relationship supporting The Clontarf Foundation <http://www.coca-colajourney.com.au/coca-cola-australia-foundation/our-partners>.

- *That 'Wellbeing is about balance. When it comes to weight management, all kilojoules count. That goes for 'Coke' and everything else with kilojoules.' – This statement is based on the World Health Organisation's (WHO) position on obesity: "the fundamental cause of obesity and overweight is an energy imbalance between calories consumed and calories expended," due to a global increased intake of energy-dense foods and decrease in physical activity. (WHO, March 2013 <http://www.who.int/mediacentre/factsheets/fs311/en/index.html>)*

- *That 'Beating obesity will take action from all of us and at Coca-Cola we are committed to playing our part' – Per the WHO position statement referred to above, obesity is caused by an imbalance between the energy consumed and expended. Therefore there is no one cause of obesity, but Coca-Cola, as a manufacturer and marketer of energy-containing beverages has a role to play in the attempts to resolve the obesity issue. The statements contained in the advertising are intended to make a public commitment to taking steps which will help consumers to understand energy balance and to have opportunity to expend energy, and by so doing, Coca-Cola is playing its part in attempting to address the causes.*

· *Your comprehensive comments in relation to the complaint (taking into account the need to address all aspects of the advertising codes):*

We understand from your letter that the complainants believe the advertisement contravenes Section 2 of the AANA Advertiser Code of Ethics, which also incorporates the AANA Code for Advertising and Marketing Communications to Children and the AANA Food and Beverage Marketing Communications Code. We disagree that we have breached Section 2 and the subsequent codes.

The advertisement has been written to explain that Coca-Cola, as a manufacturer and marketer of energy-containing beverages has a role to play in the attempts to resolve the obesity issue, and as a member of the commercial community in Australia, has a responsibility to respond to issues in the community. The statements contained in the advertising are intended to make a public commitment to taking steps which will help consumers to understand energy balance and to have an opportunity to expend energy, and by so doing, Coca-Cola is playing its part in attempting to address the causes of obesity. The commitments specifically described in the advertisement are:

- 1. Increasing the availability of our smaller pack sizes,*
- 2. Offer more low-kilojoule beverage options,*
- 3. Provide transparent nutritional information in more places, and*
- 4. Help get people moving by supporting physical activity programs.*

Each of these commitments has a firm plan and funds attached to it within the Coca-Cola business.

The complaints make several statements regarding our advertisement, each of which are addressed below:

· *“Coke[/the product] causes obesity”/“Coke contributes to an unhealthy lifestyle”:*

People consume many different foods and beverages, and no one single food or beverage alone is responsible for people being overweight or obese. But all kilojoules count when it comes to weight management, whatever food or beverage they come from, including those from our beverages.

All of our products can be enjoyed as part of a balanced diet and lifestyle that includes physical activity.

· *“...in no way prevents obesity”:*

We are not claiming that we ‘prevent obesity’ but rather that we are committed to working to resolve the issue of obesity.

· *“Coke is telling the public (children included) that they are championing, leading the way in fighting obesity” / “... claims the company is fighting obesity”:*

The advertisement states that each member of the Australian community has a role to play in addressing the issue of obesity, and that Coca-Cola as a member of the community is committed to playing its part. We do not claim that Coca-Cola is “leading the way” with its activities. The claim we make is that we are committed to playing our part in attempting to address the issue of obesity.

Please see the response on audience above in reference to the complaint that children were targeted by the advertising. This is not the case. While children may have been audience members, the programs in which the advertisement was aired were selected because the majority of the audience was adult.

· *“Their product range includes products with some of the worst ingredients that cause obesity (medically documented). This is an obvious attempt to muddy the water as to their accountability in contributing to this epidemic worldwide”:*

The advertisement clearly makes the statement that the “Coke” beverage contains kilojoules, and refers to the importance of kilojoule balance in weight management. The specific statements are: “Wellbeing is about balance and when it comes to weight management, all kilojoules count. That goes for “Coke”, and everything else with kilojoules”. Therefore we reject the claim that the advertisement attempts to obscure the accountability of Coca-Cola, amongst all members of the Australian community, to play our part to address the issue of obesity.

· *“How they can produce an ad that presents coke cola as being concerned for people’s health and well-being is just offensive”:*

The advertisement explains that Coca-Cola is part of the Australian community, and as a member of that community, we believe it is our responsibility to help respond to issues that affect our communities. We believe that a company that participates in a community must also look to play its part in attempting to address the issues affecting that community.

· *“The advertisement tells blatant lies”:*

We strenuously reject this statement. The advertisement contains public commitments in four areas which are intended to help to address the obesity issue within the Australian community. Each of these commitments has been carefully considered, and plans and funds have been allocated towards fulfilling the commitments that are publicly made. These commitments are based on a belief that is truly held by our company that, as a member of the Australian community, we must do our part to attempt to address the obesity issue.

· *“To show scenes of healthy outdoor pursuits in an ad for coke is ludicrous and insulting.”:*

The scenes were shown while this section of the script was read: “We are investing in physical activity programs to help get young Australians moving. Wellbeing is about balance and when it comes to weight management, all kilojoules count. That goes for “Coke” and everything else with kilojoules”. Per the substantiation provided earlier in this letter, Coca-Cola has engaged in a partnership with the Bicycle Network which will provide bicycles to teenagers and encourage them to use them. In addition, Coca-Cola sponsors and contributes funds to a number of programs and events intended to encourage physical activity. The visuals were designed to illustrate this.

Therefore we respectfully disagree with the complainants that the advertisement makes inaccurate claims or attempts to mislead viewers. The TVC is has come to the end of the media buy and is not currently on air.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code).

The Board noted the complainants’ concerns that the advertisement is misleading in its suggestion that Coca-Cola helps fight obesity.

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

The Board noted that the product advertised is food and that therefore the provisions of the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code) apply. In particular 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 noted that the advertisement presents information about how Coca-Cola is helping to combat obesity by making more of their high kilojoule products available in smaller sizes and by continuing to make low kilojoule products such as their Zero range. The Board noted the advertisement presents factual information about the kilojoule content of various products. Based on the information provided by the advertiser, the Board considered that this factual information is truthful.

The Board then considered the overall reference in the advertisement to Coca-Cola helping to fight obesity. The Board noted that the references to kilojoules are in the context of kilojoules being present in everything we consume, not just Coca Cola products. The Board noted the complainant’s concerns that Coca-Cola causes obesity and so the advertisement is misleading. The Board considered that the advertisement does not suggest that Coca-Cola the drink does or does not contribute to obesity but rather that the company is taking steps to address the issue as part of their corporate responsibility. The Board considered the

advertisement and was of the view that the advertisement makes a very careful presentation about the impact of total kilojoule consumption in weight management and that Coca Cola and its products are only part of the overall diet. The Board considered that these references are not misleading to a reasonable consumer.

Based on the above the Board considered that the advertisement did not breach Section 2.1 of the Food Code.

Finding that the advertisement did not breach the Food Code the Board dismissed the complaints.