



**Ad Standards** Community Panel  
PO Box 5110, Braddon ACT 2612  
P (02) 6173 1500 | F (02) 6262 9833

**AdStandards.com.au**

Ad Standards Limited  
ACN 084 452 666

## Case Report

<b>1. Case Number :</b>	<b>0314-21</b>
<b>2. Advertiser :</b>	<b>Coca-Cola South Pacific</b>
<b>3. Product :</b>	<b>Food/Bev Groceries</b>
<b>4. Type of Advertisement/Media :</b>	<b>Internet - Social - Other</b>
<b>5. Date of Determination</b>	<b>10-Nov-2021</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Food and Beverages Code\3.1 Must not target children

### DESCRIPTION OF ADVERTISEMENT

The advertisement was a Coca-Cola-sponsored live streaming event by the gaming influencer known as Loserfruit, exclusively on the Twitch streaming platform on 23rd October 2021. The promotion is referred to throughout the live stream, with the key relevant time periods of the 2:08:30 stream being 00:00:00 – 00:12:00; 00:42:22 – 00:54:54; 01:17:24 – 01:34:24; and 1:50:14 – 2:08:30.

### THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

*First, QLD excluded 2nd you have the child holding up no so good product.. mm where is the ethics in this. As meant make sure younger generation look after themselves with dental and healthy eating. Yes, soft drink is sometimes choice in small quantities.  
<https://www.coca-cola.com/realmagic/au/en/home/instant-win>*

### 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 letter dated 28 October 2021 regarding a complaint received in relation to the Coca-Cola sponsored Loserfruit Twitch stream. We thank you for bringing this matter to our attention and respond to the points raised as follows:*

#### *Description of the Advertisement*

*The advertisement was a Coca-Cola sponsored live streaming event by the gaming influencer known as Loserfruit, exclusively on the Twitch streaming platform on 23 rd October 2021. The stream promoted the Coca-Cola Real Magic consumer promotion which gives entrants the chance to win digital artwork and Twitch bits (currency in the Twitch platform). To enter the promotion, viewers first watch a film accessible via [www.coca-cola.com/realmagic](http://www.coca-cola.com/realmagic) to discover codes hidden in the film. The film depicts gamers in a tournament setting, battling each other in an online fantasy world. At one point, a gamer pauses to have a sip of Coca-Cola. This coincides with the game rules changing and the online combatants throwing down their weapons and uniting around their commonality – we are only one Coke away from each other. During the live stream, three complex cipher challenges are played by Loserfruit and those in her live chat to decipher an additional code which could also be used to enter the promotion. Brief excerpts of the film were shown during the live stream.*

#### *Details of the Program in which the Advertisement appeared*

*The advertisement was a one-off live stream on the Twitch platform on 23rd October 2021, between approximately 8.00pm and 10.00pm AEDST. Twitch is an interactive online live-streaming service for content across gaming, entertainment, sports, music and lifestyle interests.*

#### *Whether the Audience of the Program was predominantly Children*

*We have provided below the data points available to help us predict or estimate the audience for the live stream event, as required under the Code.*

*75% of the Australian Twitch audience is aged 16-34 years (the predominant audience is aged 16-24 years old at 44%, followed by 31% aged 25-34 years). While Twitch is unable to provide demographic viewing data for specific live stream events, they have provided us with third party data (Nielsen) that considers different factors to provide an estimate audience for streams like this. This data estimates that the predominant age range for the advertisement would have been those aged between 25 – 44 (at 52%) followed by 45+ (15%), meaning 67% are over 25 years old. Further information regarding Loserfruit's viewer and follower demographics is provided below.*

*We note that while the advertisement was broadcast prior to the new F&B Code coming into effect on 1st November, it will be assessed under the provisions of that Code and we have therefore applied those provisions in this response.*



*Substantiation of any health, nutrition or ingredient claims or statements in the Advertisement.*

*The advertisement did not contain any health, nutrition or ingredients claims or statements.*

*Comprehensive comments in relation to the Complaint*

*The complaint raises the issue of Targeting Advertising of an Occasional Food or Beverage Product to Children – Section 3.1 of the Food & Beverages Advertising Code effective 1 November 2021 (F&B Code). Defined terms in the F&B Code are capitalised in this letter.*

*Specifically, the complainant is concerned that there is a child holding up a “no so good” [sic] product.*

*Coca-Cola South Pacific Pty Ltd (CCSP), as a member of the Australian Beverages Council, has committed to ensuring that marketing and advertising communications are conducted responsibly and promote the responsible consumption of beverages as part of a balanced diet. This includes not directly advertising sugar-sweetened beverages to children under the age of 15. This aligns with the requirement under Section 3.1 of the F&B Code that Advertising for Occasional Food or Beverage Products must not Target Children. More broadly, The Coca-Cola Company’s Responsible Marketing Policy, which has been in place for many years, commits to the responsible marketing of its products. Since 2018, Coca-Cola in Australia has directed its advertising to people aged 15 years or older.*

*We note that the F&B Code determines whether advertising Targets Children by the context of the advertisement and the below three criteria, which we address individually below:*

*1. Nature and intended purpose of the product being promoted is principally or significantly appealing to Children.*

*Coca-Cola is one of the world’s most popular beverages, consumed by people of all ages across more than 200 countries around the world. It comes in six varieties in Australia, Coca-Cola Classic, Coca-Cola No Sugar, Diet Coke, Coca-Cola No Sugar Caffeine Free, Vanilla Coca-Cola and Coca-Cola No Sugar Vanilla. The principal drinkers of Coca-Cola Classic in Australia for the 2021 year-to-date are aged between 16 – 19 years of age, closely followed by those between 50 – 59 years of age. Less than 6% of drinkers are under 15 years of age.*

*2. Presentation of the advertisement content (e.g. theme, images, colours, wording, music and language used) is principally appealing to Children*



*The advertisement was a 2:08:30 live stream by the gaming influencer Loserfruit on the Twitch platform. The advertisement was quite complex in its nature - moving between an overview of the Coca-Cola Real Magic promotion (which in itself is a complicated code hunt and is only open to entrants aged 15 years and over); interacting with her fast moving live chat participants; working together to crack three complex ciphers (which included, amongst other tasks, deciphering symbols for letters and numbers) which together formed a code that could be used to enter the Coca-Cola Real Magic promotion; and watching Loserfruit play Fortnite.*

*Principally is defined in the Macquarie Dictionary as the adverb of first; highest in rank; chief; or foremost. The presentation of the advertisement was designed to principally appeal to older teens and young adults, in line with the principal drinkers of Coca-Cola Classic and in line with Loserfruit's principal social follower demographic (see below).*

*In addition to the lengthy and complex nature of the live stream, we consider that the themes, images, colours, wording, music and language used in the advertisement were not principally appealing to children. Loserfruit is in a studio setting with muted lighting, the background music is sombre and her language is sophisticated, none of which was intended to primarily appeal to children. In addition, the complexity of the entry mechanic of the promotion and the prizes, consisting of digital artwork and Twitch bits, were carefully designed and selected to appeal to the upper end of the Gen Z demographic (16 – 24).*

*Loserfruit can be seen briefly consuming Coca-Cola Classic at approx. 00:07:40 and again at 2:00:57 and 2:04:11. She shares with the live chat that she had actually ordered Coca-Cola No Sugar (which is not an Occasional Beverage Product) with her meal as it is her favourite, however the delivery driver accidentally delivered Coca-Cola Classic. Neither Loserfruit (aged 28) nor the female talent in the film holding a bottle of Coca-Cola Classic, are children as the complainant suggests.*

*3. Expected average audience at the time or place the advertisement appears includes a significant proportion of Children.*

*We note that the F&B Code Practice Note sets out guidance for determining if Children are likely to be a significant proportion of the viewing audience, including:*

- Where data exists, 25% or more of the predicted audience will be Children; and*
- Artists with significant appeal to Children.*

*In relation to the first bullet point, the predominant Australian Twitch audience (at 75%) is aged between 16 – 34 years of age. As noted above, the predicted predominant age of viewers of a live stream on Twitch in the nature of the advertisement was between 25 – 44. Loserfruit's followers on Twitch are predicted to be predominantly aged between 18 - 24 and on her social channels, Instagram between 25 – 34, and Twitter between 18 – 24.*



*As outlined above, CCSP takes its commitment to market products of The Coca-Cola Company very seriously, in particular not targeting its advertising to children. It is CCSP's view that the advertisement complies with all elements of the F&B Code. We acknowledge that the advertisement will also be assessed under other advertising codes administered by the AANA, including the Code of Ethics. It is also CCSP's view that the advertisement also complies with these codes.*

*CCSP takes its obligations in relation to responsible advertising very seriously. We are very happy to answer any further questions you may have, and please let us know if you need more information.*

## **THE DETERMINATION**

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches the AANA Food and Beverages Advertising Code (the Food Code).

The Panel noted the complainant's concern that the advertisement shows a child holding up an unhealthy product.

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

### **Is the advertisement for an Occasional Food or Beverage Product?**

The Panel noted that the definition of Food or Beverage Product in the Food Code is: "food or beverages products which do not meet the Food Standards Australia Nutrient Profile Scoring Criterion as published from time to time by Food Standards Australia New Zealand".

The Panel noted the advertisement is promoting Coca-Cola. The Panel noted that the advertiser had not provided information about whether the product meets the FSANZ criteria. The Panel considered that if the product did meet the criteria the advertiser would have advised as the case would have been dismissed, and therefore concluded that the Coca-Cola product does not meet the FSANZ criteria and is an occasional beverage product.

### **Section 3.1 Advertising (including sponsorship advertising) of Occasional Food or Beverage Products must not target Children.**

The Panel noted that the Food Code defines "target children" as:

*"Target Children is determined by the context of the advertisement and the following three criteria:*

- *Nature and intended purpose of the product being promoted is principally or significantly appealing to Children;*



- *Presentation of the advertisement content (e.g. theme, images, colours, wording, music and language used) is principally appealing to Children;*
- *Expected average audience at the time or place the advertisement appears includes a significant proportion of Children.”*

The Panel noted that the Practice Note provides guidance on the interpretation of “target children”:

*“All three criteria will be considered by the Community Panel in determining whether or not advertising targets Children. The weighting given by the Community Panel to each of the three criteria will be determined on a case by case basis. In the event of a complaint being considered by the Community Panel, the advertiser should be in a position to provide details in terms of the nature and intended purpose of the product, the presentation of the advertisement content and the expected average audience at the time or place the advertisement appears.*

*“In relation to the third criteria, measures to determine if Children are likely to be a ‘significant proportion’ of the expected average audience may include one or a combination of the following:*

- *Where data exists, 25% or more of the predicted audience will be Children. In relation to outdoor advertising, if across a campaign the data shows a predicted audience with less than 25% Children, and there is a Children’s event or concert that is incidental to the ad placement, the audience of that incidental Children’s concert or event will not be captured.*
- *C&P programmes.*
- *Programs, artists, playlists, video, movies, magazines or other content with significant appeal to Children (e.g. featuring personalities or characters popular with Children).*
- *Compliance with the Outdoor Media Association Placement Policy and Health & Wellbeing Policy which regulate the placement of advertising at primary and secondary schools which are locations where Children regularly and predictably gather. Where accurate program audience data is not available, the Community Panel may have regard to other factors listed above such as the program content, the time or the location where the advertisement is being shown (in line with the above provision).”*

The Panel further noted the Practice Note for this section of the Food Code which provides:

*“Advertisers must be able to demonstrate that they have evaluated or that care has been taken to evaluate the expected average audience composition before the placement of Occasional Food or Beverage advertisements to ensure they are not targeted at children. Where a meal deal is being advertised, each item in that meal deal must meet the Food Standards Australia Nutrient Profile Scoring Criterion, otherwise the advertisement will be considered to be for Occasional Food and Beverage Products.”*



**Point 1: Is the nature and intended purpose of the product principally or significantly appealing to children?**

The Panel considered that Coca-Cola is a long established brand and product that is of appeal to both adults and children alike. The Panel noted the advertisers response that less than 6% of drinkers are under 15.

The Panel considered that fizzy drinks are generally a product which children enjoy and considered that while the product was not principally appealing to children, it was significantly appealing to children.

Point 2: Is the content of the advertisement principally appealing to children?

The Panel noted that to be within Section 3 of the Food Code the Panel must find that the advertisement is aimed in the first instance at children under 15.

Is the theme of the advertisement principally appealing to children?

The Panel considered that advertisement was a two hour livestreaming event in which a woman played the video game Fortnite. The Panel considered that while the video game itself may be appealing to children, a two hour event watching someone else play was unlikely to be considered by most members of the community to be principally appealing to children.

Are the visuals of the advertisement principally appealing to children?

The Panel noted that the advertisement featured several challenges in which viewers could solve puzzles. The Panel considered that the puzzles themselves and the time allowed to complete them would not be principally appealing to children.

The Panel noted that the advertisement featured scenes of gameplay for the game Fortnite. The Panel considered that Fortnite is a game which is appealing to children, however considered that the game presented in this manner, where children cannot play themselves, would be unlikely to be considered by most members of the community to be principally appealing to children under 15.

Is the language/wording/music of the advertisement principally appealing to children?

The Panel noted that the advertisement predominately featured a woman talking to camera and explaining her moves in the video game. It also showed her interacting with other players that are not visible and people watching the live stream, mostly answering questions that were posed in text chat form, and sometimes displayed on screen. The Panel considered that this format, showing a person answering questions which children may not be able to read or read fast enough (noting the text chat constantly moves), was unlikely to be considered by most members of the community to be principally appealing to children.



### Is the content of the advertisement overall principally appealing to children?

The Panel reiterated that it is essential that they 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 principally appealing to children.

The Panel considered that the overall impression of the advertisement was a livestream of a person playing a video game and challenges interspersed throughout the livestream. The Panel considered that while the advertisement was clearly sponsored by Coca-Cola, that was not the overwhelming message of the advertisement.

The Panel considered that the advertisement content was not principally appealing to children under 15.

### **Point 3: Does the expected average audience of the advertisement include a significant proportion of children?**

The Panel noted the advertiser's response that 75% of the Australian Twitch audience is aged 16-34. The Panel noted that gamer Loserfruit is 28 years old and that her followers on Twitch and Twitter are predominately aged 18-24, and aged 25-34 on Instagram.

The Panel noted that Twitch requires account holders to be aged 13 or older, however noted that viewers can watch videos and livestreams without signing into an account.

The Panel noted that this advertisement was played between 8pm and 10pm on a single occasion.

The Panel noted that specific audience data for a livestream on Twitch is not available, however considered that it was highly unlikely that the audience would include a significant proportion of children.

### **Section 3.1 conclusion**

The Panel determined that the advertisement was not targeted towards children and did not breach Section 3.1 of the Food Code.

### **Conclusion**

Finding that the advertisement did not breach any other section of the Food Code the Panel dismissed the complaint.