



**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>0369-20</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>Radio</b>
<b>5. Date of Determination</b>	<b>16-Dec-2020</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

### DESCRIPTION OF ADVERTISEMENT

This radio advertisement features a person asking 'anything else for you today?' and a bell sounds.

Another person responds, "Yeah... maybe something frosty, like taking an ice bath inside a giant walk-in refrigerator while being fanned by a polar bear holding giant palm leaves, but with a splash of lemon-lime."

The first person says "Wanna Sprite?".

### THE COMPLAINT

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

*When I was growing up children were climbing into fridges/freezers and being found dead in the fridge. The deaths occurred in family homes and at rubbish tips. As a result of too many deaths fridges/freezers that are dumped now have to have the doors removed. I am appalled to hear an adult describing how they want to 'get into a FRIDGE to cool down.' This would give children the wrong idea that it is safe to get into a fridge and again result in children dying in fridges.*

*A friend was working in child care when a toddler got into a clothes dryer and another toddler shut the door. Lucky the dryer was not plugged into the power. This illustrated to me just how fast these incidents happen with tragic consequences.*



## THE ADVERTISER'S RESPONSE

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

### *A description of the Advertisement*

*The Sprite radio commercial referenced in the complaint begins with a male customer in a store. A female salesperson asks the customer whether he would like anything else. The customer responds that he would like "something frosty, like taking an ice bath inside a giant walk-in refrigerator while being fanned by a polar bear holding giant palm leaves, but with a splash of lemon-lime". The salesperson offers the customer a Sprite, and the customer is then heard to open and consume the beverage.*

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

*The complainant heard the Advertisement on Radio Emu, Smooth FM radio on the evening of the 28th November 2020. CCSP's media buyer, Universal McCann, buys advertising in accordance with The Coca-Cola Company's Responsible Marketing Policy, a copy of which is attached. In accordance with the Responsible Marketing Policy, Universal McCann did not place the Advertisement in any radio programs where the audience is predominantly children. As set out in the Responsible Marketing Policy, the Company defines media that directly targets children as media in which 35% or more of the audience is composed of children under 12.*

*Accordingly, the audience exposed to this Advertisement is not predominantly children*

### *Comprehensive comments in relation to the complaints*

*The complainant has raised potential issues under section 2.6 of the Australian Association of National Advertisers Code of Ethics ("Code of Ethics").*

### *Australian Association of National Advertisers Code of Ethics ("Code of Ethics")*

*The complainant has raised potential issues under section 2.6 of the Australian Association of National Advertisers Code of Ethics which provides that:*

*Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.*

*The complainant has expressed concern that the Sprite radio commercial is a safety concern. The complainant has stated:*

*"When I was growing up children were climbing into fridges/freezers and being found dead in the fridge. The deaths occurred in family homes and at rubbish tips. As a result of too many deaths fridges/freezers that are dumped now have to have the doors removed. I am appalled to hear an adult describing how they want to 'get into a FRIDGE to cool down.' This would give children the wrong idea that it is safe to get into a fridge and again result in children dying in fridges."*

*We respectfully suggest that the reference in our advertising to being inside a refrigerator must be read and listened to within context. We specifically note that the script of the Advertisement does not make a serious suggestion to climb into a fridge as a realistic way to cool down. Rather, it uses an obviously fantastical and unrealistic*



*scenario of a person inside an ice-bath, in a “giant walk-in refrigerator” as an exaggerated imaginary visual of the level of cooling down you will experience from drinking an ice cold SPRITE. The fictional and humorous nature of this suggestion is further demonstrated by the inclusion of the reference to being simultaneously fanned by a polar bear holding giant palm leaves. We consider that this would not be taken by consumers as a genuine or serious suggestion to climb into a fridge, but rather as a humorous and light-hearted description of a highly fictionalized and also practically impossible scene.*

*We are aware that during the 1950s-60s there were tragic instances of children being trapped inside refrigerators. Whilst we clearly have great sympathy towards anyone impacted directly or indirectly by this history, we are very confident that this was contributed to by the fact that older-style refrigerators (often with external latch closures) were of the nature that they could not be opened from the inside. The use of this style of refrigerator sharply declined since the 1950s and modern refrigerator manufacturers have moved towards safer magnetic closures which can be opened from the inside, in place of external latch closures.*

*Whilst we genuinely sympathise with the history the complainant has described, for the reasons already stated we do not consider that this Advertisement depicts any material contrary to community health and safety standards and accordingly does not breach section 2.6 of the Code of Ethics.*

#### *Code of Ethics*

*In relation to the Code of Ethics, section 2 contains a number of provisions in relation to not depicting people or material in a way which is discriminatory (2.1), sexually exploitative or degrading (2.2), violent (2.3), not treating sex, sexuality and nudity with sensitivity to the relevant audience (2.4), employs obscene language (2.5), or is not distinguishable as advertising (2.7). We have considered each of the provisions of section 2 of the Code of Ethics against the content of the Sprite radio commercial and it is CCSP’s view that the commercial does not contain any material which breaches section 2 of the Code of Ethics.*

#### *AANA Food and Beverages Marketing and Communications Code (the “Food & Beverages Code”)*

*The Food & Beverages Code contains a number of provisions in relation to truthful, honest advertising (2.1), not undermining the importance of healthy or active lifestyles (2.2), making health claims (2.3) and advertising to children (3). We have considered each of the provisions of the Food & Beverages Code and it is CCSP’s view that the Advertisement complies with all elements of the Food & Beverages Code.*

#### *Code for Advertising and Marketing Communications to Children (“Children’s Code”)*

*The Children’s Code defines “Advertising or Marketing Communications to Children” as “... Advertising ... which, having regard to the theme, visuals and language used, are directed primarily to Children ...”. The Children’s Code defines “Children” as “... persons 14 years old or younger ...”. The Children’s Code Practice Note provides that the*



*Children's Code does not apply to advertising which is directed at older children, or may be seen by children but is not directed primarily to them.*

*The Children's Code Practice Note establishes that whether advertising is directed primarily to children is an objective test based on a number of factors including visual techniques, the product being advertised and the age of the characters in the advertising. As outlined above, the commercial is aimed in the first instance at the very broad age range of 18 - 54 year-olds. Sprite is enjoyed by a wide age group, some of which may be children under the supervision of parents in a family environment, however the product is not targeted to children in accordance with the Company's Responsible Marketing Policy and the RCMI. The theme and audio of the commercial are designed to speak to a global audience across a broad age group. We submit that the Sprite radio commercial is not directed primarily to children aged 14 years or younger and therefore falls outside of the scope of the Children's Code.*

*Additionally, as noted above the Sprite radio commercial media placements in accordance with Coca-Cola's Responsible Marketing Policy ensure that the audience exposed to the Advertisement are not predominantly children.*

*Accordingly we do not consider the Sprite radio commercial gives rise to any issues under the Code for Advertising and Marketing Communications to Children.*

#### *Conclusion*

*It is CCSP's view that the Sprite radio commercial complies with all elements of the abovementioned codes. CCSP takes its obligations in relation to responsible advertising very seriously. We consider that when assessed against prevailing community standards and the relevant audience, the commercial does not breach the codes.*

## **THE DETERMINATION**

The Ad Standards Community Panel (Panel) considered whether the advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement may give children the idea that it is safe to get into a fridge and result in children dying in fridges.

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

### **Section 2.6: Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.**

The Panel considered that the voiceover of the advertisement speaks quite quickly and in one long sentence, and that the focus of the advertisement is not on the reference to a refrigerator.



The Panel also noted that the advertisement states “a giant walk-in refrigerator”, rather than a normal household refrigerator.

The Panel considered that the advertisement is unlikely to draw the attention of children, and considered that even if it did, the message they took was unlikely to be a suggestion to get inside a normal household refrigerator given that the advertisement refers to an ice bath in a walk-in refrigerator.

The Panel noted that it had previously upheld complaints about a person being shown in a household refrigerator in television advertisements. However the Panel considered that in this case, the radio medium lessens the impact of the advertisement because the actual behaviour is not visible.

The Panel considered that most members of the community would not find an exaggerated reference to an ice bath in a walk-in refrigerator to be contrary to Prevailing Community Standards on health and safety.

#### **Section 2.6 conclusion**

The Panel considered that the advertisement did not contain material contrary to Prevailing Community Standards on health and safety and determined that it did not breach Section 2.6 of the Code.

#### **Conclusion**

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