



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0407-19
2. Advertiser :	Coca-Cola South Pacific
3. Product :	Food/Bev Groceries
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	11-Dec-2019
6. DETERMINATION :	Dismissed

ISSUES RAISED

AFGC - Responsible Childrens Marketing Initiative\RCMI 1.1 Advertising Message
AANA Food and Beverages Code\2.2 Healthy lifestyle/ excess consumption
AANA Food and Beverages Code\4.1 Must comply with RCMI
AANA Advertising to Childrens Code\2.1 Community Standards

DESCRIPTION OF ADVERTISEMENT

This television advertisement features the search of a dog, Bobby, for his own name. It depicts Bobby the dog passing a number of young adults with Share a Coke bottles with various names, until he finally finds his own name "Bobby" on a Coca-Cola billboard.

The people Bobby passes on his journey are engaged in summer activities including dancing and swimming.

The accompanying sound track, That's Not My Name by The Ting Tings, narrates this theme of searching for a name.

THE COMPLAINT

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

Where do I start? This campaign involves many channels of manipulative marketing throughout the summer months and is bombarding our children's lives. It is everywhere they turn - all over the TV during popular family shows such as The Block.



The simple red colour, the popular simplistic music used in the TVC, the personalised factor of the campaigns will have enormous appeal to children. Children love to have personalised things that makes them feel special and unique. These manipulative marketing techniques work on children and is very concerning as they don't understand the intent and just think its a bit of fun and don't realise they are being used as marketing pawns and personalisation is building long term brand loyalty. The TVC includes children and at the end says 'This summer there is a coke for everyone'. So coca cola is admitting that coke is for children... Nope not good. Coke is not a healthy beverage and children should not marketed to.

THE ADVERTISER'S RESPONSE

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

*Details of the programs in which the advertisement appears
Please find attached the spot lists for the placement of the commercial from 6 October 2019 to December 2019, as raised in the complaint.*

*Whether the audience of the programs is predominantly children
CCSP's media buyer, Mediabrands Australia Pty Ltd trading as 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 commercial in any television 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.*

*Substantiation of any health, nutrition or ingredient claims or statements in the Advertisement.
The commercial does not contain any health, nutrition or ingredients claims or statements.*

*Comprehensive comments in relation to the complaints
The complaints raise the issues of:
Representing healthier dietary choices under section 1.1 of the Responsible Children's Marketing Initiative ("RCMI") and compliance with Schedule 1 of the RCMI under section 4.1 of the Food and Beverages Code;
Community standards under section 2.1 of the Advertising to Children Code; and
Excess consumption under section 2.2 of the Food and Beverages Code.
The complainant has specifically expressed concern that by marketing personalised Coca-Cola products as available to everyone, this encourages children to drink soft drinks.*



CCSP acknowledges that in addition to the above, the ASB will review the advertising against the entirety of Section 2 of both the Food & Beverages Code and the Code of Ethics. You have also asked us to provide comments in relation to the Code for Advertising and Marketing Communications to Children and the Australian Food and Grocery Council's Responsible Children's Marketing Initiative. We address each concern in detail below.

Food & Beverages Code

Section 2.2 provides:

Advertising or Marketing Communications for Food or Beverage Products shall not undermine the importance of healthy or active lifestyles nor the promotion of healthy balanced diets, or encourage what would reasonably be considered as excess consumption through the representation of product/s or portion sizes disproportionate to the setting/s portrayed or by means otherwise regarded as contrary to Prevailing Community Standards.

The commercial depicts three occasions where Coca-Cola beverages are consumed. The first is a party with a number of adults, where multiple Coca-Cola bottles are depicted such that they are clearly intended for sharing. The second is at a restaurant, where one adult drinks from a single bottle at the counter; and two teenagers share from a single bottle at a table. The third is at an outside party with a number of adults, where again multiple Coca-Cola bottles are depicted such that they are clearly intended for sharing. The final scene depicts Bobby the dog finding his name on a Share a Coke billboard. All bottles and cans depicted are small, single-serve sizes. We submit that the commercial does not undermine the importance of a healthy active lifestyle nor the promotion of healthy balanced diets. The commercial's narrative stretches over several different groups of people in different settings, the vast majority of whom are adults – including a party at home, at a restaurant, and in an active setting featuring dancing and swimming. The people depicted consuming Coca-Cola beverages are clearly active, healthy people, and the commercial depicts balanced consumption of Coca-Cola as part of that active lifestyle. Further, the commercial does not disparage healthy foods or physical exercise, either explicitly or implicitly.

We further submit that the commercial does not encourage excess consumption of Coca-Cola or Coca-Cola No Sugar through its representation or portion sizes disproportionate to the settings. In each occasion depicted in the commercial, no more than one small bottle of Coca-Cola is held or being consumed by any individual. Where multiple bottles of Coca-Cola are depicted, they are depicted only in scenes of large social gatherings and it is clear that they are being shared amongst the many people present.

Nutritional information is featured on all of our beverage products and on our website <https://www.cocacola.com/au/> to ensure consumers have all the information necessary regarding kilojoule content in order to be able to make appropriate choices for their individual needs based on their particular lifestyle. The Share a Coke commercial underscores that choice. We take our corporate responsibility to address



community concerns around obesity very seriously. We have worked hard to ensure consumers are provided with low kilojoule beverage options, such as Coca-Cola No Sugar, reduced serving sizes and provided clear nutrition information to ensure consumers can make informed choices about our products and the role they can play in an active, healthy lifestyle.

In relation to the remainder of section 2 of the Food & Beverages Code, section 2 contains a number of provisions in relation to truthful, honest advertising (2.1), making health claims (2.3), clear nutritional comparisons (2.4), statistically valid preference tests (2.5), accurate representations in relation to material characteristics (2.6), distinguishing between advertising and editorial content (2.7), meal substitutes (2.8) and compliance with other codes (2.9). We have considered each of these provisions of the Food & Beverages Code and it is CCSP's view that the commercial complies with all elements of section 2 of the Food & Beverages Code.

Responsible Children's Marketing Initiative and Code for Advertising and Marketing Communications to Children

You have advised that if the commercial is likely to be considered as being directed to children or predominantly directed to children, the ASB will consider the commercial in relation to the abovementioned codes. We consider each in turn:

Responsible Children's Marketing Initiative (RCMI)

The Coca-Cola Company has always taken seriously its commitment to market responsibly, across the globe, across all advertising media, and across all of our beverages. Our company has been a leader in the area of Responsible Marketing and honouring the rights of parents and caregivers to make the appropriate choices for their children is a cornerstone of our Responsible Marketing Policy. Accordingly, CCSP does not aim or direct any media marketing activity from any source to children under the age of 12. This includes not showing children under 12 in advertising consuming Coca-Cola beverages. As noted above, Bobby the dog passes two dancing children in his journey. However, no Coca-Cola beverages are depicted in this scene; rather the children are simply shown in the context of the community the dog is passing through, and this scene continues for less than 1 second of a 30 second commercial. The intent of this policy is to prevent interference with parental guidance with regard to diet. This commitment is reinforced by CCSP's voluntary signature of the RCMI and associated RMCI Action Plan. It is of fundamental importance to us to be part of, and responsible to, the communities in which we operate. Further, as a member of the Australian Beverages Council ("ABCL"), CCSP is signatory to the ABCL commitment "not to direct market or advertising of sugar-sweetened drinks at children aged 14 years and under or to primary schools, including not advertising sugar-sweetened drinks during children's television programming".

Schedule 1.1 of the RCMI provides that:

Advertising to children for food and/or beverages must, amongst other things, represent healthier dietary choices and be in the context of a healthy lifestyle.



Children are defined in the RCMI as “Persons under 12 years of age”. The word “primarily” is not defined and therefore is interpreted using its dictionary definition of “in the first place”. We note that this interpretation is supported in the AANA Code of Advertising and Marketing Communications to Children Practice Note.

CCSP submits that the commercial is not primarily directed to persons under 12 years of age. Rather, it is directed primarily to people aged between 18 – 54 years. This is reflected in the viewer demographics of the programs in which CCSP selected to place the commercial. Searching for your own name on a personalised product has a wide appeal. The Share a Coke campaign uses universal storytelling and everyday moments to connect with consumers around the world across a very broad age range. The purpose of the Share a Coke campaign and commercial is to encourage Australians to look for their names on a bottle of Coca-Cola, with many of the hundreds of available names depicted in the commercial as Bobby the dog searches for his own. The theme is therefore not intended and is unlikely to appeal primarily to persons under 12. We submit that the large number of people cast in the commercial, and who are predominantly adults have a wide appeal, and in particular to young adults. The commercial does not contain any dialogue. Rather it is accompanied by the song That’s Not My Name written and performed by The Ting Tings and released in 2009. Analysis of The Ting Tings’ social media pages indicates that the majority of their audience are adults. For example, 70% of their Twitter following are aged 18 or over, and only 2% of their Instagram following are under 18. The song lyrics act to narrate the journey of the dog Bobby’s search for his own name on a Share a Coke bottle, and are similarly unlikely to appeal primarily to children.

We note the complainant asserts that the use of the colour red “will have enormous appeal to children”. We acknowledge that pastel colours have previously been found to appeal to children, for example in ASB decision 0463/14 in respect of Peters Fandangles. However, the Share a Coke commercial uses red which is a bold, primary colour and which we do not consider appeals strongly to children, but rather to a wide audience.

CCSP submits that, having regard to the theme, visuals and language used, the commercial is not primarily or predominantly directed to children.

*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. Coca-Cola and Coca-Cola No Sugar 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, visuals and sound track to the commercial is designed to speak to a global audience across a broad age group. We submit that Share a Coke is not directly primarily to children aged 14 years or younger and therefore falls outside of the scope of the Children's Code.

Code of Ethics

In relation to section 2 of 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 depicts material which is contrary to prevailing community standards on health and safety. We have considered each of the provisions of section 2 of the Code of Ethics against the content of the Share a Coke commercial and it is CCSP's view that the commercial does not contain any material which breaches section 2 of the Code of Ethics

Conclusion

It is CCSP's view that the Share a Coke television 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 (the Panel) considered whether this advertisement breaches the AANA Code for Advertising and Marketing Communications to Children (the Children's Code), the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code) and the AFGC Responsible Children's Marketing Initiative of the Australian Food and Grocery Council (the "AFGC RCMI").

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

The Panel noted that Coca-Cola South Pacific is a signatory to the RCMI and determined that the provisions of the RCMI apply to this marketing communication.

The Panel considered the definition of advertising or marketing communications to children within the RCMI. The definition states that 'Advertising or Marketing Communications which, having regard to the theme, visuals and language used, are directed primarily to Children and are for food and/or beverage products.' Under this initiative children means "persons under the age of 12 years of age."



The Panel noted that the RCMI captures Advertising and Marketing Communications to Children where:

1. ...the theme, visuals and language used, are directed primarily to Children and are for food and/or beverage products;
2. Advertising or Marketing Communications that are placed in Medium that is directed primarily to Children (in relation to television this includes all C and P rated programs and other rated programs that are directed primarily to Children through their themes, visuals and language); and/or
3. Where Children represent 35 per cent or more of the audience of the Medium.

The Panel considered the definition of Medium in advertising or marketing communications to children within the RCMI which includes “television, radio, print, cinema, internet sites.”

The Panel noted that the advertisement appeared on television, and noted the advertisement had been given a ‘W’ rating by CAD. The Panel noted that advertisements with a W rating may be broadcast at any time except during P and C programs or adjacent to P or C periods. Exercise care when placing in programs principally directed to children.

The Panel was provided with a copy of the spot list for this advertisement. The Panel noted that the advertisement had not been played during programming with primarily appeal to children under 12 or which was likely to have a high child audience. The Panel considered that advertising was placed during programming that did not have audience of more than 35% children and was not placed in programs directed primarily to children.

On the basis of the viewing audience the Panel determined that the advertisement did not meet points 2 or 3 of the QSRI in that it was not broadcast in a Medium that is directed primarily to Children or where Children represent 35 per cent or more of the audience of the Medium.

The Panel noted that with regards to point 1 the Panel must consider whether the communication activity is directed primarily to Children – regardless of its placement.

The Panel noted that the dictionary definition of “primarily” is “in the first place” and that to be within the QSRI the Panel must find that the advertisement is clearly aimed in the first instance at Children under 12 and that it must have regard to the ‘theme, visuals and language’ used in determining this issue.

The Panel noted the complainant’s concern that the advertisement:

- Features a simple red colour and a popular song that would appeal to children
- Depicts a lot of people dancing and having fun



- Features the phrase “This summer there is a coke for everyone”
- Has a personalised aspect of campaign that would appeal to children

The Panel considered that red is a signature colour of Coca-Cola, but considered that a single colour of itself would not be considered by most members of the community to appeal primarily to children.

The Panel noted the song used in the advertisement is “That’s not my name” by the Ting Tings and was released in 2009. The Panel considered that the song is more recognisable to people over the age of 15 and is not of itself directed primarily to children.

The Panel noted that the overall theme of the advertisement is summer and fun, and considered that while the advertisement, and the use of a dog, may be appealing to children, it would be equally appealing to adults.

The Panel considered the phrase “This summer there is a coke for everyone”. The Panel considered that the phrase was inclusive of all people, and that the phrase would not be primarily appealing to children.

The Panel noted the personalised aspect of the campaign. The Panel considered that the concept of a personalised product would be attractive to children but would be equally attractive to adults.

In this instance the Panel considered that the theme, visuals and language of the advertisement were advertising a beverage, and the message was equally attractive to adults and children and was not directed primarily to Children under 12.

Based on the requirements outlined in the RCMI the Panel considered that as the advertisement was not directed primarily to Children, did not appear in a medium directed primarily to Children and did not appear in a medium which attracts an audience share of more than 35% of Children, the RCMI does not apply in this instance.

The Panel then considered whether the advertisement complied with the requirements of the AANA Code for Advertising and Marketing Communications to Children (The Children’s Code).

To fall within this Code, or Part 3 of the AANA Food and Beverages Advertising and Marketing Communications Code (The Food Code), “Advertising or Marketing Communications to Children means Advertising or Marketing Communications which, having regard to the theme, visuals and language used, are directed primarily to Children and are for Product”.

For the reasons outlined above, the Panel considered that the advertisement is not directed primarily to Children.



The Panel determined that as this television advertisement is not directed primarily to Children, the Children's Code and Parts 3 and 4 of the Food Code do not apply.

The Panel then considered whether the advertisement complied with all relevant provisions of the Food Code.

The Panel then considered section 2.2 which states: "the advertising or marketing communication...shall not undermine the importance of healthy or active lifestyles nor the promotion of healthy balanced diets, or encourage what would reasonably be considered excess consumption through the representation of product/s or portion sizes disproportionate to the setting/s portrayed or by means otherwise regarded as contrary to prevailing community standards."

The Panel noted that the advertised product is a soft drink. The Panel considered that, consistent with previous decisions (Hungry Jacks 0176-18, 0132-17), promotion of a product which may have a particular nutritional composition is not, per se, undermining the importance of a healthy or active lifestyle. The Panel noted there is nothing in the advertisement in addition to the image which is relating to the frequency of consumption or other references that would be considered to the undermining of a health or active lifestyle.

The Panel noted that the advertisement has no messaging around frequency of consumption, and cannot be reasonably interpreted to be encouraging the purchase of more than one beverage or promoting 'buy them all'. The Panel noted that all product depicted in the advertisement were single serve sizing. The Panel determined that the advertisement is not encouraging excess consumption of the product.

The Panel determined that the advertisement did not breach Section 2.2 of the Food Code.

Finding that the advertisement did not breach the QSRI, the AANA Food Code or the AANA Children's Code, the Panel dismissed the complaint.