



Case Report

1	Case Number	0415/11
2	Advertiser	Coca-Cola Amatil
3	Product	Food and Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	9/11/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety within prevailing Community Standards
2.2 - Violence Other

DESCRIPTION OF THE ADVERTISEMENT

We see the inside of a fridge where eggs are rolling themselves off the top shelf to land next to or on top of a jar of Goulburn Valley Peaches. One egg can be heard to say ‘kamikaze’ as it ‘jumps’. The voice over says 'Not everyone is happy our peaches are perfect for breakfast'.

THE COMPLAINT

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

*Suicide is a serious health issue and I feel should not be mocked for the sake of selling packaged fruit.
This could encourage suicide.*

THE ADVERTISER’S RESPONSE

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

We understand that the ASB has received two complaints regarding the depiction of the eggs in the commercial. SPCA is extremely concerned by the nature of these complaints.

By way of background, the GOULBURN VALLEY Peaches television commercial was developed to establish GOULBURN VALLEY Peaches as the gold standard in peaches.

While this is something that was never communicated directly, there were many reasons to believe GOULBURN VALLEY peaches were good, including that they are 100% Australian, they are picked from the tree when perfectly ripe, the snack packs have only 90 calories and they are perfect for breakfast.

To communicate these messages an advertising idea was developed and it was based on the premise of GOULBURN VALLEY Peaches being so good that many of the other products in the fridge were jealous of them. To bring this to life a series of playful executions were created showing GOULBURN VALLEY Peaches becoming the subject of envy from other fridge products.

It was never the intent to make light of a societal issue such as suicide. The message in this communication was 'Not everyone is happy our peaches are perfect for breakfast'. The execution attempted to playfully depict jealous eggs (who were jealous as breakfast is normally their primary occasion) bullying the perfect breakfast peaches by dive bombing them and splattering them with egg.

At no stage was it anticipated that what was trying to be conveyed could have been perceived as making light of suicide – especially as inanimate objects that are readily cracked in kitchens at home were utilised to make the intended point.

We understand that section 2.2 of the AANA code provides that “Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised”. In this regard as the eggs and peach products are inanimate, the action of the eggs dive bombing the peaches is used to playfully depict eggs jealous of, and teasing, the peaches – not to portray violence.

We further note that section 2.6 of the AANA code states that “Advertising or Marketing communications shall not depict material contrary to Prevailing Community Standards on health and safety”. As mentioned above, the eggs and peach products are inanimate and the action of the eggs dive bombing the peaches was used to playfully depict eggs teasing the peaches with their splatter. There was no intention to depict eggs with suicidal tendencies. As a brand, GOULBURN VALLEY has a long heritage growing and providing packaged fruit in Australia. In our communications we have often used humour and a cheeky tone – and we have always endeavoured for this to be good natured, playful and enjoyable for our viewers.

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 complainants’ concerns that the advertisement is a serious health concern as it trivializes the issue of suicide.

The Board viewed the advertisement and noted the advertiser’s response. The Board considered whether the advertisement was in breach of section 2.2 of the Code. Section 2.2 of the Code states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised."

The Board noted that the advertisement features a scene from the inside of a fridge where eggs are rolling themselves off the top shelf to land next to or on top of a jar of Goulburn Valley Peaches. The voice over says 'Not everyone is happy our peaches are perfect for breakfast'. One peach can be heard to say 'kamikaze' (which is a term used for suicide attacks by Japanese pilots).

The Board noted that the eggs are portrayed as being jealous of the peaches and initiate an attack to show their jealousy for other things that are good in the fridge. The Board considered that the images are not necessarily an act of violence and the eggs even appear to be having fun.

The Board noted that the eggs are humanised by the sound effects, however they are not real and it is not a real life scenario. The Board considered that the majority of the community would not consider the advertisement as a reference to murder or suicide or otherwise as violence. The Board considered that the advertisement did not present or portray violence and did not breach Section 2.2 of the Code.

The Board then considered whether the advertisement was in breach of Section 2.6 of the Code. Section 2.6 of the Code states: "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety".

The Board noted the complainants' concerns that the advertisement may be in bad taste, however the Board noted that insensitivity is not an issue covered by the provisions of the Code and considered that the advertisement is clearly intended to be humorous and does not condone or encourage suicide.

The Board considered that, in this instance, the advertisement did not depict material contrary to current prevailing community standards on health and safety and therefore determined that the advertisement did not breach Section 2.6 of the Code.

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