



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0441/10</b>
<b>2</b>	<b>Advertiser</b>	<b>Coca-Cola South Pacific Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>Food and Beverages</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>10/11/2010</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

Food and Beverage Code (Children) consumption of excess  
Advertising Message AFGC - Advertising Message  
2.8 - Food and Beverage Code undermines healthy lifestyle

### DESCRIPTION OF THE ADVERTISEMENT

There is a close up of a Coca-Cola bottle and we see and hear the top coming off.  
We then see a group of men, varying in age from teenage to middle age, reacting to a sporting event they are watching on TV. They jump on the sofa and wave their arms and cheer.  
We then see the text, "Here's to finals fever" which is accompanied by a Coca-Cola bottle.  
The bottle remains on screen and the text changes to read, "open happiness".

### THE COMPLAINT

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

*We believe the advertisement breaches the RCMI because it was shown during 'Media' (children's television program The Simpsons) and because Coca-Cola does not represent a healthy dietary choice consistent with established scientific or Australian government standards.*

*Broadcast during 'Media'*

*The ad has been broadcast several times during high rating children's program The Simpsons on Network Ten in Melbourne Sydney Brisbane Adelaide and Perth in September. 'Media' is defined in the RCMI as 'television radio print cinema and third-party internet sites where the audience is predominantly children and/or having regard to the theme visuals and language used are directed primarily to children.'*

*The Simpsons is a cartoon program that is directed primarily to children and is extremely popular among children younger than 12. According to recent television viewing data (for metro audiences in five capital cities) The Simpsons is among the top ten highest rating TV programs for children younger than 12.*

*Therefore clearly The Simpsons is 'media' according to the RCMI definition.*

*Nutritional content of Coca-Cola*

*According to the Dietary Guidelines for Children and Adolescents in Australia care should be taken in relation to children's diets to consume only moderate amounts of sugars and foods containing added sugars.*

*Coca-Cola is an unhealthy product. It contains high amounts of sugar energy and caffeine and provides no valuable nutrition. One 375 ml can of Coca-Cola contains 40 grams of sugar (which is equivalent to about 8 teaspoons) 675 kilojoules (161 calories) and 48.7 mg of caffeine. One 600ml bottle of Coca-Cola contains 64 grams of sugar (equivalent to nearly 13 teaspoons) 1080 kilojoules (258 calories) and 77.9 mg of caffeine*

*Therefore clearly Coca-Cola does not represent a healthy dietary choice for children consistent with the Dietary Guidelines for Children and Adolescents in Australia.*

*Research shows that consumption of high-sugar soft drinks such as Coca-Cola is associated with energy intake weight gain and obesity. The OPC believes it is highly irresponsible for companies to advertise such beverages directly to children particularly at a time when a quarter of Australian children are overweight or obese.*

*Action requested by the ASB*

*We ask the Advertising Standards Board to request Coca-Cola to cease broadcasting this advertisement (or other advertisements for unhealthy products) during programs that are watched by large numbers of children.*

## **THE ADVERTISER'S RESPONSE**

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

*We understand from your letter regarding the complaint and the complaint itself, that the complainant believes the advertisement contravenes section 2 of the AANA Advertiser Code of Ethics.*

*I would like to address each of the relevant sections - 2.4 (advertising and marketing to children) and 2.8 (advertising and marketing food and beverage products) of the Code. This advertisement was created specifically to appeal to football fans, specifically men ranging from late teens to their forties, who are one of the groups who consume Coca-Cola beverages. As such, the advertisement features a group of 'mates' in celebrating a footy finals moment. This was in no way created to appeal to children under 12 years old.*

*The complainant objects to the media placement of this advertisement, namely during The Simpsons.*

*While The Simpsons is an animated TV series, it uses language and concepts which are broadly targeted to the community, including mild sexual innuendo and violence, and less than 25% of the audience is under 12 (according to ETAM, the official industry body for TV ratings). As such, we respectfully disagree with the complaint that this is a children's program.*

*The Coca-Cola Company adheres to both the AANA Marketing to Children Policy as well as its own*

*Marketing to Children Policy (policy attached), and therefore we do not place any advertising in children's programming. We strictly adhere to not marketing any of our brands, including Coca-Cola to children under the age of 12.*

*We thank you for contacting us regarding this advertisement however in this instance we disagree that we have contravened Section 2 of the code as this is an advertisement which clearly does not target children and was not placed in children's programming.*

## **THE DETERMINATION**

The Advertising Standards Board (Board) considered whether this advertisement breaches Section 2 of the AANA Advertiser Code of Ethics (the "Code"), the AANA Code for Advertising and Marketing Communications to Children, and the AFGC Responsible Children's Marketing Initiative of the Australian Food and Grocery Council (AFGC RCMI).

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

The Board noted the complainant's concern that the advertisement breaches the AFGC RCMI because it is directed primarily to children, and because Coca Cola does not represent a healthy dietary choice.

The Board considered whether the advertisement met the requirements of the AFGC RCMI. The Board noted that under the AFGC RCMI the relevant requirement is that the company not advertise food and beverage products to children under 12 in 'media' unless those products represent healthy dietary choices. The Board noted that the advertised product Coca Cola is not a healthier dietary choice. As a result the product cannot be advertised to children under 12 in 'media'.

Media is defined as: 'Media means television, radio, print, cinema and third-party internet sites where the audience is predominantly children and/or having regard to the theme, visuals, and language used are directed primarily to children.'

The Board also noted the recent Guideline to the RCMI Initiative which provided that advertising or marketing communication activities are captured under the RCMI Initiative if:

1. the audience of the communication activity is predominantly children (under 12);
2. the media in which the communication activity appears is clearly directed primarily to children (under 12)
3. The communication activities are, regardless of the audience, clearly directed primarily to children under 12.

The Board also noted that under the Guideline 'the key to determining whether the media or communication activities are directed to children is whether the themes, visuals, language and

concepts are those that are attractive to children under 12.’ The Board also noted, however, that while useful in determining whether the advertisement is directed to children, the requirement is that the advertisement is ‘clearly directed primarily’ to children.

The Board noted the extensive information provided by the advertiser about the range of programmes in which the advertisement was broadcast. The Board noted that the programmes in which the advertisement appears are programmes that are directed to adults and families and are not programmes which are primarily directed to children or likely to have predominantly child audiences. The Board considered that the programming in which the advertisement appeared was not directed primarily to children – although undoubtedly a significant number of children may view some of the programmes.

In particular, the Board noted that the complaint indicates that the television programme in which the advertisement was broadcast was ‘The Simpsons.’ The Board noted that the Simpsons is a popular programme among 5 – 12 year olds with ratings up to 28% of 0-12 year olds. Despite its popularity with children, however, the program does not have an audience of ‘predominantly’ children and is not primarily directed to children under 12.

On the basis of the viewing audience the Board determined that the advertisement was not broadcast in a program where the audience is predominantly children or the program is directed primarily to children.

The Board noted that the revised guidelines require that the Board also consider whether the ‘communication activities are, regardless of the audience, clearly directed primarily to children under 12’.

The Board noted that the dictionary definition of ‘primarily’ is ‘in the first place’ and that to be within the AFGC RCMI the Board must find that the advertisement is aimed in the first instance at children. The Board considered the theme of the advertisement (a father and teenage sons and friends watching sporting finals), the visuals (a group of male teenagers and father in a lounge watching television) and the language (focused on celebrating a sporting final ). The Board noted the advertiser’s response that the intention of the advertisement is to encourage adults to consume the product as a treat. The Board considered that the advertisement was clearly directed to adults and not to children.

On balance, the Board considered that the visuals, language and theme of this advertisement create an overall impact of this advertisement that is not specifically directed or designed to be clearly directed primarily to children. The Board considered the advertisement was primarily directed to adults.

On this basis, the Board determined the advertisement is not broadcast within ‘media’ as provided by the RCMI and that the advertisement does not breach the RCMI Initiative.

The Board 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 and Beverages Code), the advertisement must be

‘having regard to the theme, visuals and language used [...] directed primarily to children and are for product.’

The Board first considered whether the advertisement is directed primarily to children. The Board noted the practice note for the Food and Beverages Code which requires that ‘in its determination of whether any advertising or marketing communication is directed toward children, the Board will apply the same criteria as used in considering complaints under the [Children’s Code]. The Board will consider the advertiser’s stated intent but will also make an evaluation based on its own review of the advertising or marketing communication material and the product being promoted.’

For the same reasons as noted in relation to the RCMI Initiative above, the Board agreed that the advertisement is not, in the terms of the Children’s Code, ‘directed primarily at children.’

The Board then considered whether the product is ‘a good that is targeted to and of principal appeal to children’ as required by the Children’s Code. The Board considered that Coca Cola is a beverage that is targeted to adults.

The Board therefore considered that the Children’s Code and Part 3 of the AANA Food and Beverages Advertising and Marketing Communications Code (the Food and Beverages Code) do not apply to this advertisement.

The Board then considered whether the advertisement complied with all relevant provisions of the Food and Beverages Code, in particular whether it encouraged excess consumption in accordance with section 2.2 of the Food Code.

The Board considered that the advertising of Coca Cola in family viewing times is not contrary to prevailing community standards and that the advertisement did not breach section 2.1 of the Food and Beverages Code.

Under section 2.2 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 Board considered that the advertising or promotion of a beverage is not inconsistent with or undermining of a balanced diet or healthy lifestyles. The Board considered that the advertisement depicts a person consuming the beverage on a single occasion. The Board considered that the advertisement did not suggest consumption of excessive amounts of the product. The Board determined that the advertisement did not breach section 2.2 of the Food Code.

Finding that the advertisement did not breach the AANA Code of Ethics, Children’s Code, Food Code or AFGC RCMI, the Board dismissed the complaint.

