



Case Report

1	Case Number	0446/16
2	Advertiser	Coca-Cola Amatil
3	Product	Food and Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	09/11/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

Food and Beverage Code 2.1 (a) - Misleading / deceptive

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features the Australian actor Josh Lawson and Australian media personality Jennifer Hawkins. There are a series of surreal and humorous scenes that play out where Josh Lawson talks to camera. The intention of the Advertisement is to convey that Australia is a hot, dry country that needs a lot of water and that 'Mount Franklin' pure Australian spring water provides this hydration for all Australians – hydrating the nation.

THE COMPLAINT

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

Claims that the product is "Australian" and an Australian product but actually it is both owned and operated by American owned Coca Cola Amatil. The ad leaves you with the impression that the product is Australian owned and operated and made. It leaves the impression that Mount Franklin water is fully Australian.

That's far from the truth. It's owned and operated by one of the biggest multinational in the world CCA. It's a disgrace this add and many more can allow on tv. The ad would be fine if they mentioned it is owned y Coke, not Australia, USA. Then they include a famous star Jennifer Hawkins who should be totally embarrassed for starring in it.

THE ADVERTISER'S RESPONSE

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

I refer to your letters regarding the above Complaints received by the ASB in respect of 'Mount Franklin' 'The Nation's Hydration' TVC ("Advertisement"). Set out below is CCA's response to the Complaints.

CCA seeks to ensure that, at all times, it complies with the AANA Advertiser Code of Ethics (the "Code of Ethics"), and the Food and Beverage Code. CCA wishes to note at the outset of this letter, that it would like to work with the Advertising Standards Bureau (the "ASB") to resolve any concerns that the ASB may have in relation to this Advertisement.

Details of the programs in which the Advertisement appears

The 'Mount Franklin' Summer October activity is running nationally across the five metro markets (Sydney, Melbourne, Brisbane, Adelaide, Perth) Regional Tasmania and subscription TV (STV) over a two-week period from 9th October 2016 to 29th October 2016. Program selection is based on the top programs that target our audience of 25-54 year olds, for example Australian Survivor, X Factor, The Bachelorette and V8 Supercars.

Audience of program is not predominantly children

The Advertisement is not broadcast during children's programs or adjacent to children's programs. It will also not be screened during family movies where the audience is likely to be more than 35% under 12 years of age.

Response to Complaints

We understand that the ASB has received two complaints regarding the Advertisement. We respectfully submit that the Advertisement is truthful and honest, and is not in breach of the Food and Beverages Code.

In response to the Complaints, we confirm the following:

- All 'Mount Franklin' Still and Lightly Sparkling products are made in Australia;*
- All 'Mount Franklin' Still and Lightly Sparkling products are made with 100% pure Australian spring water;*
- CCA is an Australian incorporated company;*
- CCA is listed on the Australian Stock Exchange (ASX) and is therefore subject to public trading of its shares;*
- CCA's Australian Beverages business, in which the 'Mount Franklin' portfolio resides (amongst other products), employs approximately 4,000 employees and contractors across Australia;*

- *‘Mount Franklin’ is Australia’s favourite water brand; I and*
- *‘Mount Franklin’ has been available and sold in Australia since the 1980s.*

In our submission, the Advertisement is not, and is not designed to be, misleading or deceptive. The Advertisement emphasises the need to hydrate with Australian water – ‘Mount Franklin’ water, in a light-hearted ‘tongue-in-cheek’ style. The Advertisement does not make, and does not intend to make, any claim that Coca-Cola Amatil or ‘Mount Franklin’ is 100% Australian owned.

We therefore submit that the Advertisement is not in breach of the Food and Beverage Code.

AANA Code of Ethics

In our submission, the Advertisement:

- *does not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief;*
- *does not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people;*
- *does not present or portray violence;*
- *treats sex, sexuality and nudity with sensitivity to the relevant audience;*
- *uses language which is appropriate in the circumstances; and*
- *does not depict material contrary to Prevailing Community Standards on health and safety.*

We therefore submit that the Advertisement is not in breach of the Code of Ethics.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code).

The Board noted the complainants’ concerns that the advertisement implies that the advertised product is Australian when it is actually American owned.

The Board viewed the advertisement and noted the advertiser’s response.

The Board noted that the product advertised is food and that therefore the provisions of the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code) apply. In particular the Board considered section 2.1 of the Food Code which provides:

'Advertising or marketing communications for food ...shall be truthful and honest, shall not be or be designed to be misleading or deceptive or otherwise contravene prevailing community standards, and shall be communicated in a manner appropriate to the level of understanding of the target audience of the Advertising or Marketing Communication with an accurate presentation of all information including any references to nutritional values or health benefits.'

The Board noted that the advertisement features Josh Lawson talking about how hot and dry Australia is before ordering a 'bottle of Australia' in a bar and being served with a bottle of Mount Franklin water.

The Board noted the advertiser's response that Mount Franklin is part of Coca-Cola Amatil and that the water is all Australian. The Board noted that the advertised product is Mount Franklin water and not the Coca Cola brand itself. Based on the advertiser's provided response that the product is Australian sourced, the Board considered that the advertisement is not misleading in its description of a bottle of Mount Franklin water as a 'bottle of Australia'.

Based on the above the Board considered that the advertisement was not misleading and did not breach Section 2.1 of the Food Code.

Finding that the advertisement did not breach the Food Code the Board dismissed the complaints.

