



Case Report

1	Case Number	0473/14
2	Advertiser	Coca-Cola South Pacific
3	Product	Food and Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	12/11/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Race

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features two men who have travelled to South America to taste test the new Barista Bros. iced coffee flavoured milk on the locals who they refer to as “the toughest of critics” and seek their approval. They encounter Luiz, with whom there is a language barrier. He says (translated in subtitles) "Do we know coffee taste? Our Grandfathers knew it, even Pablo knows it ..." Luiz then samples a Barista Bros. himself. He says "I would've given it two thumbs up, but I've only got one and a half". He then laughs and holds up his thumbs, one of which has the tip missing.

THE COMPLAINT

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

Racist, degrading, making a joke out of the fact that he lost a finger making the product

THE ADVERTISER'S RESPONSE

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

Barista Bros. flavoured milk (iced coffee and double strength iced coffee) was inspired by Australia's modern café scene and its passion for quality. Barista Bros. is made with 100% Arabica coffee sourced from South America. The advertising campaign was developed to communicate the authentic coffee taste of this new product and to put the product's quality and taste credentials to the ultimate taste test with the toughest critics. The launch advertising campaign tagline is "Approved by Those Who Know" and the creative was shot in South America. The campaign narrative depicts a diverse range of characters representing the coffee loving culture of the continent and the "toughest critics" of authentic coffee flavour. This narrative is a creative device designed to deliver the authentic tasting coffee message – with the toughest critics giving Barista Bros. their sign of approval. Fun and cheeky humour is at the heart of the campaign which aligns with the brand personality that doesn't take itself too seriously but is serious about quality and taste.

Comprehensive comments in relation to the complaint

The complaint raises potential race and ethnicity issues under section 2.1 of the Australian Association of National Advertisers Code of Ethics (the "Code") which provides that:

2.1: Advertising or Marketing Communications shall 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;

The complainant has specifically expressed concern that the television commercial is "Racist, degrading, making a joke out of the fact that he lost a finger making the product".

CCSP acknowledges that in addition to the above, the ASB will review the advertising against the entirety of section 2 of the Code including sexual appeal which is exploitative and degrading (2.2), violence (2.3), treating sex and sexuality with sensitivity (2.4), obscene language (2.5) and health and safety (2.6).

As a global business operating in a multicultural environment, diversity, inclusion and fairness are at the heart of The Coca-Cola Company and its brands. Coca-Cola is often referred to as the world's most inclusive brand. It was certainly not CCSP's intention to portray any of the characters in the Barista Bros. campaign in a way that discriminates against or vilifies a person or section of the community on account of their race or ethnicity. The ASB's Discrimination and Vilification in Advertising Determination Summary defines discrimination as:

"Acts with inequity, bigotry or intolerance or gives unfair, unfavourable or less favourable treatment to one person or a group because of their race, ethnicity, nationality, sex, age, sexual preference, religion, disability and/or political belief [emphasis added]"

It further defines vilification as:

"Humiliates, intimidates, incites hatred towards, contempt for, or ridicule of one person or a group of people because of their race, ethnicity, nationality, sex, age, sexual preference, religion, disability and/or political belief."

Both definitions establish a threshold not intended to be crossed by humourous, good natured depictions of stereotypes of individuals from particular ethnic backgrounds that have direct relevance to the product being advertised and the source of our key ingredient, the Arabica coffee. Luiz is not portrayed in a light which is likely to create the overall impression that South Americans are or should be treated less favourably than others or are the subject of ridicule or hatred. Rather, the campaign centres on the positive stereotype that South Americans possess an expertise in relation to identifying and appreciating good tasting coffee. It is also intended to highlight the South American appreciation of humour and easy going nature, sharing a joke regardless of the language barrier. The inclusion of a particular ethnic group in the advertising was not due to any intent to discriminate but rather specifically chosen due to the continent's cultural link to coffee production and appreciation.

Two thumbs up is a universal sign of approval which transcends any language barrier and is directly referable to the campaign tagline "Approved by those who know". The Urban Dictionary describes two thumbs up as being "an unofficial honour given for excellence in any field". Wiktionary says it indicates "strong approval". Luiz loved the taste of Barista Bros. so much he would have given it two thumbs up – if

only he could. There is no reference to how Luiz lost half a thumb and there was certainly no indication in the commercial or intent to imply that the thumb was lost making Barista Bros. Rather, the depiction of one and a half thumbs was employed simply as a humourous "sight gag" and a reference to popular culture. Gus "Onebear" Batista from the National Geographic program "Wild" is well-known for his one and a half thumbs up when he approves something (he lost his to an alligator). This is the creative reference that inspired CCSP's creative agency to develop the character of Luiz and the humorous link to the campaign tagline. It was never in the minds of our creative team or CCSP that Luiz's lost thumb was a result of poor working conditions. It is simply a tongue-in-cheek way of Luiz expressing his approval for Barista Bros. Luiz is intended to be portrayed as a tough man with a heart of gold who likes to laugh at himself and make light of his missing thumb. He remains keen and enthusiastic to show his sign of approval for Barista Bros. – inviting the viewer to laugh joyfully with him rather than laugh at him.

In relation to the other parts of section 2 of the Code, the television commercial does not feature sex or sexuality, violence, obscene language or material which is contrary to community health and safety standards.

CCSP notes that the provisions in section 2 of the Code are subject to prevailing community standards, as determined by the ASB. The Barista Bros. advertising campaign was tested with consumers to ensure that its messaging was clear and consumers would find the campaign engaging. CCSP acknowledges that the campaign does play on the cultural stereotype that South Americans are passionate about good coffee taste and their endorsement is therefore the ultimate taste test. However, it is a positive stereotype employed to link to the product's key feature of a rich coffee taste derived from the 100% Arabica coffee sourced from South America.

Australians are renowned for their love of good natured tongue-in-cheek humour. The tagline and character of Luiz must be considered in their cultural context, taking into account the intent of the tagline "Approved by those who know". Luiz is ultimately being portrayed in a

humourous way, as someone who knows whether or not the iced coffee tastes good. In this cultural context, it is CCSP's view that consumers understand there is no intent to discriminate, vilify or degrade – rather the campaign plays on a positive aspect of the South American culture in the context of a marketing campaign.

CCSP has also considered whether any other advertising codes administered by the ASB are relevant to the advertising. Section 2.9 the Food & Beverages Advertising & Marketing Communications Code is relevant in that it requires food and beverage advertising to comply with the Code. As outlined in this letter, it is CCSP's view that the Barista Bros. advertising campaign complies with all elements of the Code.

CCSP takes its obligations in relation to responsible advertising seriously. We consider that when assessed against the legal standards for discrimination and vilification together with prevailing community standards in relation to the matters generally addressed under section 2 of the Code, the Barista Bros. iced coffee flavoured milk television commercial does not breach the Code.

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 complainant’s concerns that the advertisement is racist and makes fun of a person with a disability.

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

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray 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.'

The Board noted the advertisement features a ‘mockumentary’ set up where the advertised product is tested on South Americans to seek their approval.

The Board noted the complainant’s concern about the depiction of Luiz in the advertisement as he is missing a thumb. The Board noted that Luiz tastes the product then holds his hands out to give the thumbs up and we see that one of his thumbs is missing. The Board noted that the text on screen reads, “I would’ve given it two thumbs up, but I’ve only got one and a half” and considered that the overall depiction of Luiz is positive and there is no suggestion that he is being made fun of because of his disability. The Board noted that there is no explanation given as to how Luiz lost his thumb and considered that the focus on Luiz in the advertisement is on his knowledge of coffee rather than his disability which he himself draws attention to.

The Board noted that the advertisement says that South America is the home of coffee. The

Board noted the advertiser's response that the advertisement was filmed in South America and considered that the locals portrayed in the advertisement are all depicted in a positive manner which highlights their expertise in coffee and overall the advertisement is not discriminatory towards or vilifying of people who come from South America.

The Board noted it had recently dismissed complaints about the poster advertising for this campaign in case 0461/14 and considered that consistent with its previous determination the current advertisement did not portray or depict material which discriminates against or vilifies a person on account of sexual preference.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

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