



Case Report

1	Case Number	0517/17
2	Advertiser	Coca-Cola South Pacific
3	Product	Food and Beverages
4	Type of Advertisement / media	Radio
5	Date of Determination	22/11/2017
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

Food and Beverage Code 2.2 - healthy lifestyle / excess consumption

DESCRIPTION OF THE ADVERTISEMENT

The advertisement starts with the sound of a tummy rumbling. A male asks; "Was that your stomach?" to which a female replies "Yep. Let's grab a sandwich." This is then followed by a voiceover; "That feeling when your stomach tells you it's lunch time." The girl takes a drink and says "That's better." The commercial finishes with a voiceover of "Coca-Cola. Taste the feeling."

THE COMPLAINT

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

Hopelessssssssssss!

A country with a huge sugar intake problem leading to diabetes and obesity and you allow this rubbish!!

The is NO leadership here.

Growing obesity epidemic, no mention of calorie control, healthy eating, balanced diet.

THE ADVERTISER'S RESPONSE

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

Thank you for your letter regarding a complaint received in relation to Coca-Cola South Pacific Pty Ltd's (CCSP) Coca-Cola 'Moments' radio commercial. We thank you for bringing this matter to our attention and respond to the points raised as follows:

Details of the media in which the advertisement appeared

The first complainant heard the commercial between 09:00 – 11:00 on 30 October 2017 on KIIS FM and the second complainant heard the commercial at 11:00, 8 November 2017 on Radio 1323.

CCSP's media buyer, 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 radio 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.

Comprehensive comments in relation to the complaint

Advertiser Code of Ethics

CCSP acknowledges that the ASB will review the advertising against the entirety of section 2 of the Code of Ethics including discrimination or vilification (2.1), sexual appeal which is exploitative and degrading (2.2), violence (2.3), treating sex and sexuality with sensitivity (2.4), obscene language (2.5), health and safety (2.6) and content that is distinguishable as advertising (2.7). We have considered each of the provisions of section 2 of the Code of Ethics against the content of the Coca-Cola radio commercial, and it is CCSP's view that the commercial does not contain any material which breaches section 2 of the Code of Ethics.

Food & Beverages Code

The complainants raise potential issues under sections 2.2 & 2.8 of the AANA Food & Beverage Advertising & Marketing Communications Code ('Food & Beverages Code') which provide that:

2.2 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.

2.8 Advertising or Marketing Communications for Food and/or Beverage Products not intended or suitable as substitutes for meals shall not portray them as such.

The first complainant has raised concern that "the sound of a fizzy drink being opened, hunger pains gone and the word "Coke" being announced... [is a] subtle suggestion hunger is solved with Coke..." We respectfully disagree with the concern raised. The clear emphasis

is on an entire lunch time meal; being a sandwich and a drink. We do not think that the average listener would associate the sound of a fizzy drink being opened and the word “Coke” announced as making a suggestion that hunger pains will be solved with a Coke rather than a healthy balanced diet, especially when “grabbing a sandwich” was clearly communicated.

The intention of the commercial, as part of the ‘Moments’ campaign, is to connect drinking a Coca-Cola with the lunch time meal. There is no intention that Coca-Cola be the only thing consumed at lunch time or a substitute for a meal, and in our opinion do not believe that such can be drawn from what is heard on the commercial.

The second complainant has raised concern that “Coca-Cola [is] implying the need to have a Coke when your stomach gives you a hunger message.” The complainant is concerned that with the growing obesity epidemic there is no mention of calorie control, healthy eating or a balanced diet.

This concern also falls under sections 2.2 & 2.8 of the Food & Beverages Code. Again, we respectfully disagree that such an implication can be drawn from what is heard on the radio commercial. Firstly, we hear the female expressly suggesting to “grab a sandwich” for lunch. This express statement clearly encourages what is commonly perceived a healthy and balanced lunchtime meal. Further, the commercial in no way encourages over consumption of any of our products, nor replacing our products with a healthy and balanced diet. We also note that Coca-Cola comes in four different varieties; being ‘Coca-Cola Classic’, ‘Diet Coke’, ‘Coke No Sugar’ and ‘Coca-Cola with Stevia’. Three from the four Coca-Cola varieties are either no or low calorie beverages.

The commercial does not disparage healthy foods or health eating, either explicitly or implicitly and we do not believe that a reasonable consumer would be led to believe such. We submit that the commercial does not undermine the importance of a healthy active lifestyle nor the promotion of healthy balanced diets.

We note that pursuant to the Food & Beverages Code Practice Note, in relation to Section 2.2, the ASB will consider both the message that is likely to be taken by the average consumer within the target market of the communication and whether members of the community in the target audience would most likely take a message condoning excess consumption or undermining the importance of a healthy lifestyle.

The commercial is directed to consumers between 18 – 70 years of age. This is reflected in the attached survey which shows that 90% of KIIS FM’s listeners in Sydney are over 16 years of age. We consider that the average consumer within this target market would not consider the message to be a negative one or one that is discouraging a healthy lifestyle. Further, we consider that members of the community in the target audience would not interpret the advertisement as depicting, encouraging or condoning excess consumption of a beverage or undermining the importance of a healthy lifestyle.

Further, we note that pursuant to the Food & Beverages Code Practice Note, in relation to Section 2.8, the ASB will consider whether an average consumer, acting reasonably, would consider that the communication presents the product as suitable as a meal replacement. In determining whether such meal is intended or suitable for use as a meal replacement the Board will apply its view of what a reasonable consumer might think. As discussed above, we consider that members of the community in the target audience listed above would not

interpret the advertisement as depicting or encouraging a Coca-Cola as a suitable meal replacement.

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) 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.

Conclusion

It is CCSP's view that the Coca-Cola radio commercial complies with all elements of the Code. CCSP takes its obligations in relation to responsible advertising seriously. We consider that when assessed against prevailing community standards and the relevant audience, the commercial does not breach the Code.

THE DETERMINATION

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

The Board noted the complainants concern that the advertisement is promoting unhealthy eating by suggesting drinking coke as a replacement for lunch.

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

The Board noted that the product advertised is food and therefore the provisions of the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code) apply.

The Board noted in particular 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 Board noted the advertisement depicts a couple talking after the girl's stomach is heard grumbling from hunger. The male asks "is that your stomach?" and the girl replies with "yep, let's grab a sandwich." The voiceover states "that feeling when your stomach tells you its lunch time." The girl is heard taking a drink of coke and then sighing and she says "that's better."

The Board considered that, consistent with previous decisions (0101/14, 0262/15, 0593/16,

0057/17), the promotion of a product which may have a particular nutritional composition is not, per se, undermining the importance of a healthy or active lifestyle or contrary to prevailing community standards.

The Board considered whether the advertisement is undermining the promotion of a healthy balanced diet and noted the Practice Note to section 2.2 which states:

Part (a) –“The Board will not apply a legal test, but consider material subject to complaint as follows:

In testing whether an advertising or marketing communication undermines the importance of a healthy lifestyle, the Board will consider whether the communication is disparaging of healthy foods or food choices or disparaging of physical exercise. Such disparagement need not be explicit, and the Board will consider the message that is likely to be taken by the average consumer within the target market of the communication.”

The Board noted that the girl’s stomach rumbles and she does suggest that the pair go and get a sandwich. The Board noted that immediately after the suggestion, the girl consumes some Coke and her reaction is a sigh and the comment “that’s better.” The Board noted that that it is not clear whether the couple do get a sandwich but the inference is that at least in the interim the girl drinks some Coke and appears satisfied with this.

The Board considered that the overall impression is that the ‘Coke’ or a cola beverage was consumed for lunch and considered that there is an impression that Coke was a suitable substitute for lunch. The Board considered that this was undermining the promotion of a healthy balanced diet and did breach this section of the code.

The Board then considered whether the advertisement is encouraging excessive consumption and noted part (b) of section 2.2 which states that “In testing whether an advertising or marketing communication encourages excess consumption through representation of products or portion sizes disproportionate to the setting portrayed, or by any other means contrary to prevailing community standards, the Board will consider whether members of the community in the target audience would most likely take a message condoning excess consumption.”

The Board considered that the theme of the advertisement is a discussion between friends and is about the hunger the girl is feeling. The Board noted the complainant’s concerns that the suggestion that Coke – a high sugar drink can satisfy hunger is inappropriate with a growing obesity epidemic.

The Board noted that the girl appears to take a drink from the coke and exclaims “that’s better” but it is impossible to tell how much coke she had to drink or how often she consumes this beverage or other similar drinks.

The Board noted that most members of the community would understand the message to mean she has had some quantity of coke and in the Board’s view the depiction did not suggest she consumed large quantities and did not amount to a depiction that encourages excessive consumption.

Overall the Board considered that the advertisement did suggest that the consumption of coke would be a suitable substitute for lunch and this did undermine the promotion of a healthy balanced diet, and did breach Section 2.2 of the Food Code.

The Board then considered section 2.8 of the Code. Section 2.8 states that “Advertising or Marketing Communications for Food and/or Beverage Products not intended or suitable as substitutes for meals shall not portray them as such.”

A minority of the Board considered that the advertisement was unclear about whether the coke was a replacement for the sandwich or consumed together with the sandwich and that the combination of the girl’s words and the drink sound was sufficient to suggest she had consumed both.

The Board noted the advertiser’s response that “the emphasis is on an entire lunch time meal being a sandwich and a drink and that there was no intention that Coke be the only thing consumed at lunch.”

The majority of the Board considered however that for the reasons mentioned above, the overall impression is that the Coke has been consumed as a replacement for lunch and considered that the advertisement portrays the beverage as a suitable substitute for lunch on its own.

The Board considered that the advertisement did portray the drink as a suitable substitute for a meal and did breach section 2.8 of the Code.

Finding that the advertisement did breach section 2.2 and section 2.8 of the Food Code, the Board upheld the complaints.

THE ADVERTISER'S RESPONSE TO DETERMINATION

Thank you for your letter regarding the Advertising Standards Bureau’s (The Board’s) decision to uphold the complaint regarding Coca-Cola South Pacific Pty Ltd’s (CCSP) Coca-Cola ‘Moments’ radio broadcast. We respect, and have taken on board the findings of The Board’s decision, which will allow us to make positive adjustments to the campaign going forward.

In order to comply with the Board’s determination, CCSP:

1. Confirms the radio broadcast mentioned in the complaint is no longer running; and
2. Will ensure that the radio broadcast mentioned in the complaint is not re-broadcasted in the future.

