



# Case Report

1	Case Number	0527/14
2	Advertiser	Pepsico Australia Holdings Pty Ltd
3	Product	Food and Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	10/12/2014
6	DETERMINATION	Dismissed

## ISSUES RAISED

2.1 - Discrimination or Vilification Gender

## DESCRIPTION OF THE ADVERTISEMENT

In this Pepsi Max “Exchange” television commercial, two groups of campers, set up on opposite river banks share their food and beverage supplies. They use various resourceful techniques to implement the cross-water exchange. In the final exchange, a camper propels himself “wakeboard-style” across the river with a case of Pepsi Max under arm.

## THE COMPLAINT

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

*It's insulting to women and unimaginative.*

## THE ADVERTISER’S RESPONSE

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

*The Pepsi Max Exchange TV Commercial went to air nationally in free to air and pay TV November 4.*

*Created by Clemenger BBDO Sydney the campaign marks the return to the “Live Life to the Max” positioning. The commercial is supported by a digital and outdoor campaign.*

*Since its launch in 1993, Pepsi Max has been instrumental in establishing sugar free cola consumption amongst males and we have continued to focus on this sugar free product,*

*resulting in Pepsi Max being our biggest selling brand.*

*The summer campaign is a transition for Pepsi Max, focusing on a broader group of consumers looking for a great taste, no sugar cola.*

*In the 30-second Pepsi Max “Exchange” TV commercial, two groups of campers are set up on opposite river banks. The female group realises they have run out of drinks, but have plenty of food. The male group arrives and realises they brought plenty of drinks, but forgot to bring food. The groups notice each other and their respective predicaments and agree to exchange food and drinks. They then use various resourceful techniques to implement a cross-water exchange of their food and drink supplies. In the final exchange, a camper propels himself “wakeboard-style” across the river with a case of Pepsi Max under arm.*

*In developing this commercial it was our intention to entertain adult male and female viewers, not offend them. The advertisement playfully celebrates the Australian way of life – where guys and girls are brought together with Pepsi Max. We do not believe the advertisement to be sexist and that the roles of guys and girls portrayed in the advertisement are balanced.*

*There is no “hooting” as claimed by the complainant, rather friendly banter between a group of male and female friends and some celebrations when they successfully exchange food and drink. Further there is no intention for the males to get into the female tent – in fact the male ‘wake-boarder’ actually crashes into the girls tent.*

*We believe this advertisement meets acceptable community standards.*

## **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 concern that the advertisement is sexist as it implies women can’t enjoy camping unless they can attract the attention of men. 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 group of female campers bargaining with a group of male campers for some Pepsi Max.

The Board noted the complainant’s concern that the advertisement implies the women can only enjoy their camping trip if they attract the attention of men. The Board noted that the women are shown to have run out of Pepsi Max and that when they notice that the men camping across the river from them have plenty of Pepsi Max they attract the men’s attention in order to share their Pepsi. The Board considered that the women are presented as empowered and in control of their situation and that the most likely interpretation is that the women want the Pepsi Max and are resourceful and prepared to do what it takes to get the men to share their Pepsi with them. The Board noted that the men and women are depicted as enjoying themselves and willingly participating in the trade-off between the women’s food supplies and the men’s Pepsi Max and considered that overall the advertisement does not suggest that women can only enjoy camping if they can attract the attention of men.

The Board considered overall that the advertisement does not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of their gender.

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.