



## **CASE REPORT**

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| 1. Complaint reference number | 236/07  |
| 2. Advertiser                 | Coca-Cola South Pacific Pty Ltd (Diet Coke)     |
| 3. Product                    | Food & Beverages                                |
| 4. Type of advertisement      | TV  |
| 5. Nature of complaint        | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination      | Tuesday, 14 August 2007                         |
| 7. DETERMINATION              | Dismissed                                       |

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement depicts a female real estate agent dressed in a red suit, handing a flyer to a business man outside a property. As he enters the house she smiles and removes the "Open for Inspection" sign, enters the house and shuts the door as the words "Time for a quickie?" appear on screen. Inside the house we see the woman and man sitting on a sofa sipping diet coke and watching a "short" movie on a laptop computer screen. A male voiceover urges "Make a date with Diet Coke Films - new releases daily at 11am." The website address "dietcokefilms.com.au" appears on screen.

## **THE COMPLAINT**

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

*As a real estate agent was raped then murdered in Victoria 12 months or so ago I find the ad in poor taste and also an encouragement for anti social behaviour.*

## **THE ADVERTISER'S RESPONSE**

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

*In June, a series of four diet Coke ads were launched on TV. All aim to engage and entertain our target audience of women, 30 and above. Each depicts a different scenario but all focus on strong empowered women enjoying a diet Coke break while watching a short film (short films currently showing on the diet Coke website at [www.dietcokefilms.com.au](http://www.dietcokefilms.com.au)). The advertisement asks consumers if they have 'time for a quickie' and invites them to take a break with a diet Coke and a short film.*

*The complaint is in reference to one of the TVCs, which shows a female real estate agent showing a house, it then cuts to the real estate agent and a handsome 'viewer' enjoying a diet Coke and watching a short film.*

*The TVCs are meant to be irreverent and entertaining, and do not depict any real events or intend to portray events that may have taken place. They are entirely fictitious.*

*I submit that the content of this commercial does not breach of the Code of Ethics.*

## **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 in poor taste. The Board considered whether the advertisement breached Section 2.3 of the Code in its sexually suggestive depiction of the two agents going into the house for a 'quickie'. The Board considered that the advertisement, although initially suggestive of a sexual liaison, made it clear that the couple were watching a diet coke film and enjoying the product. The Board noted that there were no depictions of sex or nudity. The Board considered that most people would consider the advertisement humorous.

The Board noted the agents' depicted enjoying themselves in a client's house. The Board considered that this depiction was likely to be seen as humorous and was unlikely to encourage similar behaviour by genuine real estate agents.

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