



CASE REPORT

1. Complaint reference number	241/09
2. Advertiser	POM Wonderful
3. Product	Food & Beverges
4. Type of advertisement	Transport
5. Nature of complaint	Language – use of language – section 2.5
6. Date of determination	Wednesday, 24 June 2009
7. DETERMINATION	Upheld – discontinued or modified

DESCRIPTION OF THE ADVERTISEMENT

This Billboard is headed “Cheat Death.” On the right hand side of the poster is an image of a elegant bottle with an outline in the shape of the number eight. The label on the bottle of POM Wonderful – 100% Pomegranate Juice. Around the neck of the bottle is a rope noose that drapes over the side of the bottle. The rope appears to have snapped.

The bottom left of the Billboard has the words “The Antioxidant Superpower. pomwonderful.com.au In the produce department.”

THE COMPLAINT

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

I find this ad extremely disturbing and offensive. I think it trivialises death by hanging and would be extremely upsetting for someone who had a family member or friend who had committed suicide by hanging. Suicide is an incredibly sensitive issue and any reference to suicide in advertising should be banned. I can't believe that this advertisement complies with advertising standards, that the company or the advertising firm that developed the ad thought it was OK. I am also appalled that public transport is being used for such dreadful advertisements.

THE ADVERTISER'S RESPONSE

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

We appreciate your being in touch with us to voice your concern regarding our advertisement entitled "Cheat Death" which ran for two months this year on bus posters in Australia. This advertisement is no longer in use in Australia. We do not plan to use this particular advertisement again in Australia.

We apologize for any offence that this advertisement may have caused some people and can assure you that this was not the intent. We believe that use of the headline "Cheat Death" with a picture of our product with a noose around it simply conveys to consumers that by drinking POM Wonderful Pomegranate Juice, they can obtain the proven nutritional benefits.

POM Wonderful Pomegranate Juice has many distinct nutritional benefits that set it apart from other products. In today's world, there is well established scientific agreement which supports and acknowledges that a diet rich in fruits and vegetables is conducive to a healthy lifestyle. Much of the benefits of fruits and vegetables are attributable to their rich antioxidant content, which comes from vitamins and other unique plant phytochemicals. And numerous scientific studies have shown that pomegranates and pomegranate juice are among the most potent sources

of phytochemicals and antioxidants. So for consumers who are eager to consume fruits and vegetables, pomegranate juice has been proven to be an excellent choice.

Our advertising has attempted to communicate this message through catchy headlines like "Cheat Death" and so forth. It allows us to break through the clutter by using imagery that irreverently and boldly conveys to consumers that drinking our juice will enhance our consumers' diets and serve their nutritional need. Our intention was never to trivialize death by hanging nor was it intended to encourage suicide or risk-taking.

It's important to note that the growing body of medical research on pomegranates is truly impressive. Over the past twelve years, the world's top scientists have demonstrated repeatedly that the pomegranate is one of nature's best fruits and vegetables. Their research gives great hope to people concerned about healthy living. We appreciate your consideration to our position on this matter.

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 trivialises suicide and would be upsetting to some members of the public.

The Board noted that the advertisement's text 'cheat death' in proximity to an image of a noose like rope around the neck of a bottle is, in the absence of corporal punishment in Australia, suggestive of suicide. The Board noted that suicide is a problem in particular areas and among certain demographics in Australia and that this images evokes a form of death that is an issue of significant concern and sensitivity in Australian society. The Board considered that the advertisement for a beverage trivialises suicide and determined that this is a depiction of a matter that contravenes prevailing community standards on health and safety and breaches section 2.6 of the Code.

The Board also considered that the advertisement is suggestive of suicide by hanging. a violent act, and that this suggestion of violence is not relevant to the product. The Board determined that the advertisement also breached section 2.2 of the Code.

ADVERTISERS'S RESPONSE TO THE DETERMINATION

Comments which the advertiser made in response to the determination regarding this advertisement included the following:

We confirm that we will no longer be running the advertisement referenced in complaint 241/09 in Australia.