



CASE REPORT

1. Complaint reference number 296/09
2. Advertiser Wize Guys (Australia) Pty Limited (Drink Cocaine)
3. Product Food & Beverages
4. Type of advertisement Outdoor
5. Nature of complaint Advertising to Children Code - Parental authority – section 2.4
Language – use of language – section 2.5
Health and safety – section 2.6
Other - Portrayal of people (occupation)
Other - Social values
Food and Beverage Code – undermines healthy lifestyle
6. Date of determination Wednesday, 16 September 2009
7. DETERMINATION Upheld – discontinued or modified

DESCRIPTION OF THE ADVERTISEMENT

This outdoor advertisement depicts a young female dressed as a "she devil" and is sitting on top of a can of drink that has the label "Cocaine" and text 'caffeine energy supplement'. The bottom of the advertisement has the website address: www.drinkcocaine.net.au

THE COMPLAINT

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

I can't believe i even have to answer this question. I work as a mentor for a charity with young children. To be told by an 8 year old that 'cocaine is cool' is fairly upsetting to say the least. To hijack the name of a drug that is illegal, a menace to society to create controversy to sell a drink is beyond belief. I could go on and on about this but i think you get the point.

The Advertising Standards Bureau purports to maintain high standards of advertising, however this does not seem to be the case when the ASB allowed an advertising campaign for Cocaine high energy drinks. I would like to request the ASB take a stand and reverse its decision on an add, that says to young kids and adults, consumption of 'cocaine' is cool.

What type of society are you supporting by condoning the association between hard drugs and beverages?

Your declining standards are a reflection of the times yet this fact should deter the ASB from slipping further. Please stand up for high standards and reject advertising that is morally and socially degrading.

Most people know that cocaine is an illegal drug - few people know it is a fizzy drink. By suggesting that people should consume 'cocaine', this ad promotes the use of illicit substances, makes their use seem more normal and acceptable, and enjoyable, like naughty fun. The ad is on full display for all to see and kids like fizzy drink. The target audience of 18-25 year olds may be particularly susceptible to experimenting with illicit drugs, and this ad makes it seem like a cool thing to do.

I have a 13 year old son who is starting to ask about drugs. This ad glorifies the drug cocaine - a sexy, naughty girl lying on a can with a known party drug's name on it. The print ad looks 'cool'. Cocaine doesn't get as much of a bad wrap as Ice and Heroin so in many ways this print ad makes cocaine more acceptable, more cool to young teenagers. I can imagine them drinking a can and thinking they are pretty great because it has cocaine on it. When an ad is shown in a public place

it is viewable by all ages and not just the target demographic for the brand. This ad may be OK for the 18 and overs but it is definitely not OK for the younger more impressionable teenagers. My strong suggestion is to take it down and the company should stick to print ads in magazines that are specifically targeted to the demographic they are trying to reach.

Apart from the obvious.

It sends mixed, subtle messages to children and again is another case of parents being undermined by stupid advertising.

THE ADVERTISER'S RESPONSE

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

We understand that "Cocaine" Energy Drink is a controversial name. Labelling this product "Cocaine" is an innovative marketing technique. This drink has been created by Redux Beverages in USA and has been available to the public since 2007.

The advertising campaign/billboard in Australia is identical to that of worldwide. Wize Guys (Australia) Pty Limited are the distributors of a product that already exists on the international market.

Cocaine Energy Drink" is just a fizzy drink containing sugar, water and caffeine with a "notorious" name on the can - no different to other energy drinks available on the Australian market. We are certainly NOT promoting the use of illicit substances, "unlike other industries which glamorises drug use through their songs , videos and films available to all ages. Our advertising campaign is "chicky" however within guidelines and our motto is "Be smart Do the Drink". We believe that consumers are able to differentiate between the two, and at the end of the day we are just an energy drink with seven letters on the can.

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 complainants' concerns that the advertisement promotes the use of illicit drugs.

The Board noted that the name of the advertised product is 'cocaine' along with the text ' caffeine energy supplement' and that the only other written information in the advertisement is the name of the product (depicted as the label on the product can) and the website www.drinkcocaine.com.au.

The Board considered whether the advertisement breached section 2.6 of the Code which requires that advertisements 'shall not depict material contrary to prevailing community standards on health and safety'.

The Board noted that the use of cocaine is illegal in Australia and causes many social problems. The Board also noted that the product advertised is not cocaine and is labelled as a caffeine energy supplement. The Board also noted that the company's motto 'be smart do the drink' is intended to tell consumers to drink 'Cocaine' the drink and not use the drug cocaine. The Board noted that this motto is not part of the advertisement which it is considering.

The Board considered that the advertising of the product, its use of a 'wicked' devil' alongside the use of the name 'cocaine' along with the phrase 'drinkcocaine' is likely to create an impression that the product is sexy and 'cool' to drink. The Board considered that part of that image and impression is likely to also create an impression, through familiarisation and use in a lighthearted manner of the term 'cocaine', that consumption of cocaine or use of cocaine is also acceptable. The Board considered that any implication that use of an illicit substance is acceptable is contrary to the community's standard on health and safety. The Board considered that this advertisement depicted the product in a manner that is likely to lead to a section of the community, most likely younger people, thinking that use of an illicit substance is acceptable. On this basis the Board determined that the advertisement breached section 2.6 of the Code.

The Board also considered whether the advertisement breached section 2.1 of the AAANA Food and Beverages Advertising and Marketing Communications Code (the Food Code). Section 2.1 of the

Code requires that advertising for food and beverages shall be truthful and honest, shall not be or be designed to be misleading or deceptive or otherwise contravene prevailing community standards. The Board considered whether that a reasonable consumer would consider that the product is not cocaine because cocaine is an illegal substance and the product and advertisement refer to the product as a 'caffeine energy supplement'. The Board considered that the advertisement is not misleading. The Board considered however that the advertisement's depiction of the product in a manner that is likely to lead to a section of the community, most likely younger people, to consider that use of an illicit substance is acceptable does 'otherwise contravene prevailing community standards'. On this basis the Board determined that the advertisement breached section 2.1 of the Food Code.

The Board also considered whether the advertisement breached section 2.3 of the Code which requires that 'sex, sexuality and nudity be treated with sensitivity to the relevant audience'. The Board noted the depiction of a woman dressed in a devil suit reclining on the top of the product in the advertisement. The Board considered that the woman was not inappropriately dressed, and was not depicted in a sexualised position. The Board considered that there was no breach of section 2.3 of the Code.

Finding that the advertisement breached the Code and the Food Code, the Board upheld the complaints.

ADVERTISER'S RESPONSE TO DETERMINATION

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

This letter is to advise you that the billboard has been taken off and we are currently reviewing our adverting procedures.