



CASE REPORT

1. Complaint reference number	317/04
2. Advertiser	Coca-Cola South Pacific Pty Ltd (Fanta)
3. Product	Food
4. Type of advertisement	TV
5. Nature of complaint	Health and safety – section 2.6
6. Date of determination	Tuesday, 7 December 2004
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

The advertisement features a visual depiction of a man drinking a bottle of Fanta out of his ear with a straw.

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

“Doctors say you should not put anything smaller than your elbow into your ear and here is an ad basically telling you to put a straw and Fanta in your ear. Think about it from an impressionable person such as a child’s perception. Does Coca-Cola want to be liable for someone’s hearing loss as a result of this ad?”

THE ADVERTISER’S RESPONSE

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

“Fanta’s target audience is made up of teens and young adults, and all communication is aimed at engaging them and exciting them about Fanta. The ring tone promotion was developed with them specifically in mind, as has the advertising creative.”

“I submit that the content of the TVC is executed with sensitivity to the audience and the relevant program time zone, and accordingly is not a 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 was of the view that in the context of prevailing community standards, the majority of people would not find this advertisement offensive.

The Board found that the depiction did not contravene the provisions of the Code relating to health and safety.

Further finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.