



## CASE REPORT

1. Complaint reference number	325/04
2. Advertiser	Pepsico Australia Holdings Pty Ltd (Pepsi)
3. Product	Food
4. Type of advertisement	TV
5. Nature of complaint	Discrimination or vilification Gender - section 2.1 Portrayal of sex/sexuality/nudity – section 2.3 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 group of young males who buy Pepsi from a vending machine. One of the bottles rolls onto the road in front of a truck. The males attempt to save the bottle causing the truck to swerve off the road and hit a light pole which in turn causes a series of events including women wrestling in jelly, cheerleaders getting wet and sprayed up against a garage door, a rock band playing in a garage and a street festival.

## THE COMPLAINT

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

*“To portray a young man willingly running in front of a vehicle is offensive to victims of car accidents. To show the resulting chaos as something entertaining adds further insult.”*

*“... this Pepsi ad is a nasty piece of misogynistic work. Career women, women in corporate wear, beaten down with a wall of jelly, while men watch on as they writhe around trying to get up? Cheerleaders in skimpy outfits thrown against walls? Because it was water and jelly and not a man’s fist beating these women into submission Pepsi seem to think it’s ok? These women were injured and it’s supposed to be a turn on? The subjectification of the career women is especially hard to understand. It demeans women in so many ways, as victims of violence, as lesser to men in the workforce and as nothing more than objects for men’s amusement. And the smug look on the wannabe rapists faces – it is really disturbing.”*

*“The advert was clearly directed at teenagers and young adults yet it portrayed extreme risk-taking behaviour. The prevalent attitude of invincibility amongst young males in particularly (sic) is costing many young lives every year. Risk taking behaviour in young males is already difficult to combat and is a major contributor to the death toll on our roads.”*

## THE ADVERTISER’S RESPONSE

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

*“Airing in cinemas since 14 October, the commercial depicts a Ferris Beuller’s Day Off-style hyper real fantasy situation featuring an unrealistic scenario of a spontaneous celebratory carnivale-like street parade, sparked by a chain of almost impossible events.”*

*“The current commercial is running in the context of a long history of Pepsi and Pepsi Max advertising which shows hyper real or fantasy situations. This advertisement is targeted towards 19 year old males.”*

## **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 the depictions in the advertisement were clearly fantasy.

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 the portrayal of people (sex), the portrayal of sex/sexuality/nudity and health and safety.

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