



## **CASE REPORT**

1. Complaint reference number	375/08
2. Advertiser	Coca-Cola South Pacific Pty Ltd
3. Product	Food & Beverages
4. Type of advertisement	Cinema
5. Nature of complaint	Violence Other – section 2.2
6. Date of determination	Wednesday, 8 October 2008
7. DETERMINATION	Upheld – discontinued or modified

## **DESCRIPTION OF THE ADVERTISEMENT**

This cinema advertisement features the leader of a SWAT team advising that when they heard that people didn't like the taste of the "old" Mother drink, a "new" Mother drink was produced, with a new taste and double the energy hit. His team's assignment was to track down those responsible for the "old" Mother drink, which is done by the team abseiling down a building and crashing through laboratory windows, attacking the lab workers and destroying their facilities. The team leader concludes "New Mother. Double the energy hit. Tastes nothing like the old one." Text on screen alongside a Mother can reads "The Mother of all energy hits."

## **THE COMPLAINT**

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

*I object most strongly to the crude violence in this ad which is directed on innocent people by armed thugs.*

## **THE ADVERTISER'S RESPONSE**

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

*Mother was re-launched into the market in early July, with a new formulation (new & improved taste) and a new larger 500mL can. The brand also features a new look and a revised target audience of blue collar men aged 18-35 years.*

*The advertisement in question has been designed to strongly communicate this new taste and to appeal to the target audience. This target audience wants to be entertained and amused by brands, particularly those in the energy drink segment.*

*We have therefore taken an irreverent approach by making a joke of ourselves and acknowledging that we made a mistake with the taste in the original formulation (see TVC & script).*

*The TVC is intended to portray humorous, over the top, slapstick imagery to bring to life the changes we have made to the product and how we have dealt with the mistakes made previously.*

*In making this TVC, we were very careful to make sure that the depictions of dealing with 'those responsible for the old Mother' were not overly violent.*

*Following the ASB's decision to uphold complaints against this TVC, we responded with the following:*

*Firstly, I would like to confirm our long standing support for the Advertising Standards Bureau,*

*the Board, the Code of Ethics and the complaints process the Board manages. As a member of the Australian Association of National Advertisers (AANA), we work hard to ensure we comply with the AANA Code of Ethics.*

*As such, we note the ASB's determination to uphold the complaints against the Mother energy drink TV commercial and the Board's decision to consider the commercial to be in breach of Section 2.2 of the Code.*

*While we do not agree with the Board's determination, we are keen to find an acceptable resolution.*

*We have reviewed the ASB's determination and draft case report, the TVC itself and the CAD classification of the material and are proposing the following modifications:*

...

- *Further, placement of the TVC in cinema in suitable M rated (recommended for mature audiences content is moderate in impact - see [www.classification.gov.au](http://www.classification.gov.au)) films only.*

...

*These modifications to the placement of the TVC will ensure the commercial is only viewed by a mature audience in environments which are appropriate for the content.*

*Our understanding is that the above response will be considered by the Board when they next meet and we hope they find these modifications acceptable.*

*This complaint (375/08) refers to the TVC being shown during The Bank Job, which has an MA rating and therefore, as per the above, has been appropriately placed.*

## **THE DETERMINATION**

The Advertising Standards Board ("Board") noted that it has previously considered this advertisement in its format as a television commercial (Case No: 278/08). On that occasion the Board determined that the advertisement breached section 2.2 of the Code and stated that:

'The Board viewed the television advertisement and noted that it was for an energy drink.

The Board considered the advertisement presented unacceptable violence.

The Board further considered that the violence depicted was not stylised or humorous but was gritty and realistic.

The Board noted the looks of fear on the scientists' faces in response to the assault team entering the building by shattering a window.

The Board further noted that the advertisement was clearly based on popular action film narratives to which the target audience could relate however, the Board agreed that this narrative was not enough to suggest the violence was based on fantasy.'

At the time the Board considered whether the current advertisement, a cinema advertisement, breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Board noted the complainants' concerns and reviewed the advertisement under Section 2.2 of the Code which states:

"Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised."

The Board noted the Advertiser's submission that the advertisement was placed before M rated films only, but agreed that Section 2.2 of the Code does not provide for greater violence in material with a higher classification.

On balance the Board considered that the portrayal of violence was unacceptable in the context of the product being advertised and that the placement of the advertisement in an M rated film did not mean that clause 2.2 of the Code did not apply. The Board determined therefore that the advertisement was in breach of Section 2.2 of the Code.

Finding that the advertisement did breach the Code the Board upheld the complaint.

#### **ADVERTISER'S RESPONSE TO DETERMINATION**

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

*I would like to again confirm our long standing support for the Advertising Standards Bureau, the Board, the Code of Ethics and the complaints process the Board manages. As a member of the Australian Association of National Advertisers (AANA), we work hard to ensure we comply with the AANA Code of Ethics.*

*As such, we note the ASB's determination to uphold the complaints against the Mother energy drink TV commercial aired in cinema and the Board's decision to consider the commercial to be in breach of Section 2.2 of the Code.*

*While we do not agree with the Board's determination, we are keen to abide by the decision. As such we will not air the Mother TVC in its current form in the cinema channel in the future.*

*The advertisement will be removed from cinema as of 23 October 2008.*