



## **CASE REPORT**

1. Complaint reference number	377/08
2. Advertiser	Coca-Cola South Pacific Pty Ltd
3. Product	Food & Beverages
4. Type of advertisement	TV
5. Nature of complaint	Food and Beverage Code (Children) – misleading/deceptive
6. Date of determination	Wednesday, 8 October 2008
7. DETERMINATION	Dismissed

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement features a succession of vintage Coke bottles with the voice over "Atlanta 1886. John Pemberton created Coca Cola. He met spice ships in the port of Savannah to find the ideal ingredients. He chose the best spices from around the world to create his secret formula. The result: unique great taste and refreshment. The most uplifting drink of all time. No added preservatives. No artificial flavours since 1886. Never had. Never will."

## **THE COMPLAINT**

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

*The ad states that the product contains "No added preservatives...No artificial flavours...Since 1886" I feel that viewers may be misled by the phrase "no added preservatives" in this advertisement because Diet Coke contains the preservative sodium benzoate. I believe that most people viewing the ad would feel that the statements made in this ad would apply to both Coca Cola and Diet Coke. I believe this contravenes the Food & Beverages Advertising & Marketing Communications Code 2.1, specifically "....shall not be or be designed to be misleading or deceptive or otherwise contravene Prevailing Community Standards, and shall be communicated in a manner appropriate to the level of understanding of the target audience of the Advertising and/or Marketing Communication..."*

## **THE ADVERTISER'S RESPONSE**

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

*This new TV commercial aims to communicate to consumers that Coca-Cola (the original classic Coca Cola) does not contain artificial flavours or added preservatives. Our research has shown this is a misconception that many consumers have - 87% of Australians believe Coca-Cola contains artificial flavours and 84% believe it contains added preservatives (Galaxy, August 08). We are also letting consumers know that the formulation has not changed since it was first created in 1886.*

*This campaign only refers to brand Coca-Cola, not diet Coke. In fact, no other brands are mentioned in the advertisement and we are clearly referring to a product invented more than 120 years ago.*

*All information in the TVC is true and is therefore not misleading and does not 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 considered the application of Section 2.8 of the Code, relating to food and beverage products, and the AANA Food and Beverages Advertising and Marketing Communications Code (the “F&B Code”).

The Board noted the complainants’ concerns that some consumers may mistakenly believe the statements in the advertisement applied to Diet Coke as well as Coca-Cola. However, on viewing the advertisement, the Board accepted the advertiser’s response that the advertisement is specific to the Coca-Cola brand and does not mention Diet Coke or any of the advertiser’s other brands. For this reason, the Board considered the advertisement was unlikely to mislead consumers and that there was no breach of Section 2.1 of the F&B Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.