



## **CASE REPORT**

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|-------------------------------|---|
| 1. Complaint reference number | 416/07  |
| 2. Advertiser                 | Pepsico Australia Holdings Pty Ltd (Pepsi Max - Gig)                            |
| 3. Product                    | Food & Beverages  |
| 4. Type of advertisement      | TV  |
| 5. Nature of complaint        | Violence Other – section 2.2<br>Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination      | Tuesday, 11 December 2007   |
| 7. DETERMINATION              | Dismissed   |

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement features rock music and spotlights shining on the words "Go to Gig" and underneath a Pepsi Max meter slides across the screen, as hands wave and a door opens to the words "Meet the Band." A red carpet is seen and the camera pans to the top floor of a hotel upon which neon lights flash "Crash their party." Helicopters shine spotlights on the sign and words appear onscreen "Max your life. Max taste. No sugar."

## **THE COMPLAINT**

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

*Think the message of the ad is totally irresponsible by promoting kids to crash a party. There are some any instances where kids/teenagers/young adults crash a party or illegally gain entry to a private function and create havoc. Many of these such occasions end in violent outcomes and quite serious or even life threatening injuries. To me and my family, this ad is encouraging kids/teenagers to create public anarchy.*

## **THE ADVERTISER'S RESPONSE**

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

*The 15-second "Gig" commercial is a locally-created television advertisement which is part of the "Max Your Life" campaign that launched in 2007 to support the sugar free Pepsi Max product. The "Max your life" campaign is designed to appeal to the Pepsi Max target market of 20 to 30 year old males and is based on key elements of the targets' lives about which they are passionate, such as music and gigs. The concept demonstrates the "Max your life" tag line (and long-standing Pepsi Max brand premise), by showing an every day experience and turning it into a heightened version of that experience, or "maxing it". Each experience is visually "measured" on the Pepsi Max slider to show how "maxed" a situation it is.*

*The "Gig" commercial is made using motion graphics rather than being shot in a realistic film or video style. The idea behind "gig" is that it shows the familiar 20-something scenario of going to a music concert and then builds it into a youth fantasy that consumers in this target audience consider to have kudos, that is getting to go backstage to meet and band and, for further kudos, getting to go to a private party with the band. At no time does the commercial suggest violence or aggression.*

*The creative technique of using irreverent humour depicting the brand positioning to the Pepsi Max target market reflects the findings of PepsiCo Australia's extensive consumer research study*

*into the consumption patterns and rationale for consumption of sugar-free products. The current commercial sits in the context of a long history of Pepsi Max advertising featuring humorous, hyper real or fantasy situations, none of which consumers have ever meant to consider 'real'.*

*The "Gig" commercial has a "G" classification and ran in a two week burst from the week commencing 18 November 2007. The core programming of the media buy reflects the desire to ensure the TVC is viewed by the target audience: Rove, Heroes, Prison Break, Las Vegas, Millionaire, 60 Minutes, CSI and NCIS. The campaign extends to the brand website, [www.pepsimax.com.au](http://www.pepsimax.com.au).*

*Pepsi does not seek to promote concepts, imagery or behaviour that could offend or distress consumers or in any way incite anti-social behaviour. Pepsi seeks to ensure its marketing and business activities reflect prevailing community standards.*

## **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 the complainants' concern that the advertisement encourages young people to crash parties.

The Board noted that there is a level of community concern about young people crashing parties to which they are not invited. Some of these occurrences have resulted in damage to property and others in loss of life.

The Board viewed this advertisement carefully and considered that the advertisement clearly suggests that people should live events to the full and that one way to do this is to see a favourite band and then to try and crash the band's after show party. The Board considered that this message - crashing the band's party - was clearly limited to the band situation and did not amount to exhortation to crash other people's parties. The Board considered that crashing a band party was something that was not comparable to a domestic situation. The Board considered that the message in the advertisement was not inconsistent with community standards on safe behaviour and did not amount to a breach of section 2.6 of the Code.

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