



CASE REPORT

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| 1. Complaint reference number | 61/08 |
| 2. Advertiser | Red Bull Aust Pty Ltd |
| 3. Product | Food & Beverages |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination | Wednesday, 13 February 2008 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement portrays a cartoon couple, the male lying on a bed with a typewriter and study book on his lap, and the female sitting at the bottom of the bed. The male is distraught because he has a human biology exam tomorrow, however the female says she will help him with it, and leans towards him turning off the light. He resists, advising that it's not a biology practical exam, but theory, and he can't concentrate on practical and theory at the same time. The female tells him "Of course you can - just have a Red Bull. It vitalises body and mind...and then we'll start with a bit of practical and you can get to the theory later." She grabs him and turns out the light. Text on screen reads "Red Bull gives you wiiings."

THE COMPLAINT

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

Assumes children will have sex and be able to study for biology exam if drink Red Bull. (sic)

THE ADVERTISER'S RESPONSE

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

Biology Exam TVC: FACT Number and rating: RED2250 - BIO EXAM - WNOPONAF - W Rating

Red Bull always takes great care with regard to the placement of its TVC's and applies the strict standards for Television. Red Bull's primary target audience is 15-39 year old males and females. The commercial has received FACT approval and a W Rating as specified above.

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code).

The Board noted that the advertisement is for a beverage product - specifically Red Bull drink. The Board noted the complainants' concern that the advertisement promotes an inappropriate and unsafe product to children.

The Board noted that the only comments about the product in the advertisement is that the product is one that 'vitalises body and mind' and 'red bull gives you wings.' The Board considered that these comments did not amount to a representation about the nutritional profile or ingredients in the product and that there was not a breach of relevant provisions of the Food Code.

The Board considered the provisions of the Food Code and noted that there is no prohibition on advertising any particular type of food to children - only requirements about the accurate representation of the nutritional profile of such products if there is any reference to the nutritional profile of the food. There is therefore no provision which would prevent an advertiser marketing a particular product to children. The Board also noted that the advertisement does not suggest or state that the product is of any particular nutritional profile - suggesting only that it 'vitalises body and mind' and 'gives you wings' - both statements that are imprecise and unlikely to be considered by a reasonable consumer as nutritional claims.

The Board considered that this advertisement does not contain any material that is prohibited by the Food Code.

The Board noted concern about the product being advertised to children and considered whether the advertisement was within the AANA Code for Advertising to Children (the Children's Code). The Board noted the advertiser's statement that its' products' target audience is 15-39 year old males. The Board considered that the product was not primarily targeted to children, being children 14 years or younger. The Board determined that the advertisement did not fall within the Children's Code.

The Board then considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Board also considered the complainant's view that the product is an unhealthy product that should not be marketed to children. The Board considered that the advertisement did not depict the product in a manner that was likely to encourage excessive consumption by children or consumption of this product in preference to other foods generally. On this basis the Board determined that the advertisement did not breach Section 2.6 of the Code in that it did not depict any material that is contrary to prevailing community standards on health and safety.

The Board also noted that the advertisement suggests an intimate relationship between the two characters. The Board noted that the advertisement has a W rating (which means that it must be placed with care) and that it was shown in a timezone appropriate to this rating. The Board considered that the sexual references were humorous and that there was no inappropriately sexual suggestion or any actual depiction of sexual activity between the two cartoon characters. On this basis the Board determined that the advertisement did not depict sex, sexuality or nudity in a manner that was inappropriate to the likely audience of older children, young adults and their parents.

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