



CASE REPORT

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| 1. Complaint reference number | 90/07 |
| 2. Advertiser | Frucor Beverages Aust Pty Ltd (V Berry) |
| 3. Product | Food & Beverages |
| 4. Type of advertisement | Outdoor |
| 5. Nature of complaint | Violence Other – section 2.2 |
| 6. Date of determination | Tuesday, 10 April 2007 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This outdoor advertisement shows a toilet cubicle with a can of V Berry upside down with its "head" in the toilet bowl. There is a school tie around the can's "neck" and a matching boater on the floor. Text reads "It's not easy being new".

THE COMPLAINT

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

I find it particularly disturbing because it seems to condone - and to cash upon - the culture of bullying and to violent behaviour towards kids starting new classes at school. I feel particularly disturbed by this ad because it uses visual objects appealing to school aged kids, and it is placed on billboard at tram stops I always see used by kids going to school. No one should use bullying images for selling items targeted to children.

THE ADVERTISER'S RESPONSE

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

We regret that this has caused offence to the complainant, and appreciate this opportunity to assure you that this was not our intention.

We would like to respond to this complaint by stating that this particular execution is not based on the culture of bullying, but of an initiation process. In this particular execution we were intending to show a situation where a well-known initiation stereotype is taking place that our target audience will find humorous.

The campaign is intended to be very tongue-in-cheek and light hearted, bringing to life stereotypical scenarios that our target market of males and females 18-24 will recognise. They are intended to clearly be fantasy, set in model sets and using cans of energy drink, not real people, as the focus of the advertisement.

We also believe that it is important to point out that this execution is only one in a campaign of four which all show various situations in which the V Berry cans find themselves in a new situation. The other situations we have shown in the campaign include the new 'apprentice' builder on a construction site, an explorer finding a new tribe in the jungle, and an astronaut landing on a new planet.

We do hope that the above helps to explain the thinking behind the campaign, and demonstrates that we did not set out to cause offence in any way. Nor do we believe that this advertisement in

any way contravenes Section 2 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 viewed the advertisement and considered whether the advertisement breaches Section 2.2 of the Code.

The Board agreed that the depiction of the can upside down in the toilet was intended to imply the result of violence and/or schoolyard bullying. However while the Board agreed that the advertisement was tasteless and that the attempted humour in the advertisement had failed, the Board also agreed that the notion of schoolyard harrassment in the advertisement was only implied and could not be taken seriously since the object of the implied bullying was a can of softdrink. The Board agreed the advertisement did not promote violence. Hence the Board determined that the advertisement did not breach Section 2.2 of the Code.

The Board also considered whether the advertisement breached the AANA Food and Beverages Advertising and Marketing Communications Code (“F & B Code”). In the absence of presented evidence to the contrary, the Board found that the advertisement did not breach the F & B Code.

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