

COMPLAINT NUMBER	18/051
COMPLAINANT	J. Cullen
ADVERTISER	Coca-Cola New Zealand
ADVERTISEMENT	Coca-Cola New Zealand Out of Home
DATE OF MEETING	27 March 2018
OUTCOME	Not Upheld

SUMMARY

The advertisement for Coca-cola No Sugar showed the beverage in the foreground of the image with the words “HERE’S TO AN EPIC SUMMER” and a woman in a bikini in a mid-air position about to jump into the ocean below. The advertisement also depicted a hand holding a Coca-Cola beverage and a second hand leaning in to grab the beverage. The Coca-Cola logo also appeared at the bottom of the image along with “Search Coke Epic Summer” and “Taste the Feeling.”

The Complainant was offended by the image of the woman in the advertisement shown in her bikini jumping into the ocean which highlighted her ‘genital region’. They said the image was “disrespectful, disappointing, and disgusting” and they were concerned it could be seen by school kids.

The Advertiser said the advertisement was light-hearted and promoted an “epic summer”, with the intention of drawing a connection between Coca-Cola and summer with the focus of the advertisement being the product, not the woman.

The Complaints Board said the image did not reach the threshold for the use of sexual appeal in a manner that was exploitive or degrading when the advertisement was considered in the context of the beach environment and ‘epic summer’ setting and it did not use sexual appeal to sell an unrelated product. While the Complaints Board acknowledged the Complainant was offended by the advertisement, when taking into account the context, medium, audience and product, it did not reach the threshold to cause serious or widespread offence to most people.

The Complaints Board said the advertisement was not in breach of Basic Principles 3 or 5 of the Code for People in Advertising or Basic Principle 4 or Rules 4 and 5 of the Code of Ethics.

The Complaints Board ruled the complaint was Not Upheld.

[No further action required]

Please note this headnote does not form part of the Decision.

COMPLAINTS BOARD DECISION

The Chair directed the Complaints Board to consider the advertisement with reference to Basic Principle 4 and Rule 4 and Rule 5 of the Code of Ethics and Basic Principle 3 and Basic Principle 5 of the Code for People in Advertising.

Basic Principle 4 of the Code of Ethics requires all advertisements be prepared with a due sense of social responsibility to consumers and to society and Rule 4 required the Board consider whether the advertisement contained anything which clearly offends against generally prevailing community standards taking into account the context, medium, audience and product (including services). Rule 5 required the Board to consider whether the advertisement was likely to cause serious or widespread offence.

Basic Principle 3 of the Code for People in Advertising required the Board to consider whether the advertisement not portrayed people in a manner which, taking into account generally prevailing community standards, was reasonably likely to cause serious or widespread offence on the grounds of their gender; race; colour; ethnic or national origin; age; cultural, religious, political or ethical belief; sexual orientation; marital status; family status; education; disability; occupational or employment status.

Basic Principle 5 of the Code for People in Advertising required the Board to consider whether the advertisement employed sexual appeal in a manner which is exploitative and degrading of any individual or group of people in society to promote the sale of products or services and/or used sexual appeal simply to draw attention to an unrelated product. Children must not be portrayed in a manner which treats them as objects of sexual appeal.

The Complaints Board ruled the complaint was Not Upheld.

The Complaint

The Complainant said the Coca-Cola advertisement which said ‘Here’s to an epic summer’ and showed a woman at the beach jumping into the ocean was offensive stating, in part: “3 male hands with or reaching for coke, and a young women with her bikini clad genital region at the dead centre. An epic summer of, casual sex? Ogling women? Clearly implied I think, to an ad directed at mostly young people.”

The Complainant was also concerned the advertisement could be seen by school kids due to its placement on a bus shelter.

The Complainant said the advertisement was “disrespectful, disappointing, and disgusting to its target market” and it made them feel awful.

Advertiser response from Coca-Cola New Zealand

The Advertiser responded to the Complainant’s concerns stating, in part: “the advertisement has been prepared with a due sense of social responsibility to consumers and to society and does not contain anything which is sexually suggestive, inappropriate or offensive to women.

The advertisement draws a connection between Coca-Cola and epic kiwi summer moments and is intended to be light-hearted and fun. We believe this is apparent to viewers with the clear and prominent words at the forefront of the advertisement; ‘HERE’S TO AN EPIC SUMMER.’ The woman depicted is in her bikini about to jump into the water below in order to further reinforce the connection between Coca-Cola and summer and the refreshment of jumping into the ocean coupled with a refreshing drink. CCO submits that viewers would easily identify with this image and understand the purpose of including a woman in a bikini is to connect Coke with summer.”

Regarding the Complainant's concerns about the placement of the advertisement on a bus shelter the Advertiser said, in part: "the intended audience of the advertisement was consumers aged between 18-35 years of age... the ADSHEL in question was 580m from the nearest school. Also, as the advertisement makes a call to action to 'Search Coke Epic Summer' which takes viewers to the MyCoke webpage where only over 14's can enter, we submit that the advertisement does not target children. Further, we note that the product depicted was a Coca-Cola No Sugar. The target market for Coca-Cola No Sugar is adult consumers aged between 18-49 years. Consumer data shows that adult consumers aged over 18 constitute more than 85% of the consumers of Coca-Cola no sugar variants."

Complaints Board Discussion

The Complaints Board noted the Complainant's concerns the advertisement focused on the woman's genital region which was degrading and offensive and, in their view, meant the image had sexual overtones. The Complainant was also concerned the advertisement could be seen by school children.

The Complaints Board considered the likely consumer take-out of the advertisement for Coca-Cola No-Sugar. The advertisement showed people at the beach with a woman jumping into the ocean. The Board said the advertisement showed hands reaching for a Coca-Cola No Sugar bottle and included the tagline "HERE'S TO AN EPIC SUMMER". The Complaints Board said the image of the woman which was of primary concern to the Complainant, appeared to be in soft focus and in the background of the advertisement. It was presented in the context of someone jumping into the ocean at the beach on a summer's day while onlookers share a Coke. The Complaints Board acknowledged the shot was of the woman's back and showed her buttocks and genital region.

The Complaints Board then considered whether the advertisement employed sexual appeal in a manner that was exploitive or degrading. It acknowledged the Complainant's concern the view of the woman's body shown meant there could be a sexual aspect to the image, but it said the advertisement as a whole provided context for the image.

The Complaints Board said the reference to summer and the beach, as well as the tagline: 'HERE'S TO AN EPIC SUMMER', contextualised the image of the woman jumping into the ocean wearing a bikini. The Complaints Board said while pose of woman might be considered to be provocative when considered in isolation, when taken in the wider context, it did not reach the threshold to employ sexual appeal in a way that was exploitive or degrading to women or used sexual appeal to sell an unrelated product.

The Complaints Board said the advertisement did not reach the threshold to breach Basic Principles 3 or 5 of the Code for People in Advertising and this aspect of the complaint was Not Upheld.

The Complaints Board then considered whether the advertisement was likely to cause serious or widespread offence or offended against generally prevailing community standards. The Complaints Board took into account that the advertisement appeared on a bus shelter so was available to be viewed by a wide audience, but noted the target audience was people over the age of 18 and the primary focus of the advertisement was the No Sugar Coca-Cola product rather than the image of the woman. The Complaints Board accepted that the product was not one with general or principal appeal to children under 14. They also noted the beach and "epic summer" setting provided context for the action shot of the woman jumping into the ocean. Taking these matters into account the Complaints Board said the advertisement did not reach the threshold to cause serious or widespread offence to most people.

The Complaints Board said the advertisement was therefore not in breach of Rule 4 or Rule 5 of the Code of Ethics and had been prepared with a due sense of social responsibility to consumers and society required by Basic Principle 4 of the Code of Ethics.

Accordingly, the Complaints Board ruled the complaint was not Upheld.

DESCRIPTION OF ADVERTISEMENT

The advertisement for Coca-cola No Sugar showed the beverage at the centre of the image with the words "HERE'S TO AN EPIC SUMMER" and a woman in a bikini in a mid-air position about to jump into the ocean below. The advertisement also depicted a hand holding a Coca-Cola beverage and a second hand leaning in to grab the beverage. The Coca-Cola logo also appeared at the bottom of the image along with "Search Coke Epic Summer" and "Taste the Feeling."

COMPLAINT FROM J CULLEN

Hi, I've never written in before, but this ad on a bus stop used by plenty of school kids made me feel ill. 'Here's to an epic summer', with 3 male Hans with or reaching for coke, and a young women with her bikini clad genital region at the dead centre. An epic summer of, casual sex? Ogling women? Clearly implied I think, to an ad directly at mostly young people. I thought with the me too campaign, and a global movement working towards respect, this would be in the way out. Disrespectful, disappointing, and disgusting to its target market... this ad made me feel awful.

CODE OF ETHICS

Basic Principle 4: All advertisements should be prepared with a due sense of social responsibility to consumers and to society

Rule 4: Advertisements should not contain anything which clearly offends against generally prevailing community standards taking into account the context, medium, audience and product (including services).

Rule 5: Advertisements should not contain anything which in the light of generally prevailing community standards is likely to cause serious or widespread offence taking into account the context, medium, audience and product (including services).

CODE FOR PEOPLE IN ADVERTISING

Basic Principle 3: Advertisements should not portray people in a manner which, taking into account generally prevailing community standards, is reasonably likely to cause serious or widespread offence on the grounds of their gender; race; colour; ethnic or national origin; age; cultural, religious, political or ethical belief; sexual orientation; marital status; family status; education; disability; occupational or employment status.

Basic Principle 5: Advertisements should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people in society to promote the sale of products or services. In particular people should not be portrayed in a manner which uses sexual appeal simply to draw attention to an unrelated product. Children must not be portrayed in a manner which treats them as objects of sexual appeal.

RESPONSE FROM ADVERTISER, COCA-COLA OCEANIA LTD

Thank you for your letter dated 28 February 2018 regarding a complaint received in relation to Coca-Cola Oceania Limited's (CCO) Out of Home advertisement on an ADSHEL bus shelter poster in Auckland.

The Advertisement

The Out of Home advertisement to which the complaint relates depicts a Coca-Cola No Sugar beverage at the centre of the image along with the words "HERE'S TO AN EPIC SUMMER" which are both prominently displayed. The advertisement also depicts a hand holding a Coca-Cola beverage and a second hand leaning in to grab the beverage. Further into the background we see a young woman in a bikini in a mid-air position about to jump into the ocean below. The Coca-Cola trademark also appears at the bottom of the image along with "Search Coke Epic Summer" and "Taste the Feeling."

The ADSHEL is part of a wider summer campaign called HERE'S TO AN EPIC SUMMER which is about a celebration of Kiwi Beach Centric Summer Moments, with Coca-Cola and linked with a promotion to win Epic Summer Prizes through purchasing a specially marked Coke pack. The creative features a number of classic kiwi summer moments amongst friends & family i.e. jumping into the water, watching a sunset and surfing (please see examples attached for your reference). The advertisement is also part of the Coca-Cola Summer MyCoke Promotion which offers consumers a chance to win a number of prizes so help them in having a more 'epic' summer. Prizes include a trip for 10 to Fiji, a Jeep Wrangler Sport SUV and \$10,000 Cash. To enter into the promotion, consumers must be a member of the Coca-Cola MyCoke program which is only available to people over the age of 14 years.

The location of the ADSHEL was on Great North Road opposite Western Springs Park in Auckland. This advertisement began on 07 January 2018 and completed on 25 February 2018.

The Complaint

The complainant has made the following complaint:

"Hi, I've never written in before, but this ad on a bus stop used by plenty of school kids made me feel ill. 'Here's to an epic summer', with 3 made [hands] with or reach for coke, and a young woman with her bikini clad genital region at the dead centre. An epic summer of, casual sex? Oglng women? Clearly implied I think, to an ad directly at most young people. I thought the me too campaign, and a global movement working towards respect, this would be in the way out. Disrespectful, disappointing and disgusting to its target market. As a woman, this ad made me feel awful."

The complainant has raised potential issues under the:

1. ASA's Advertising Code of Ethics ('**Code of Ethics**') Basic Principle 4, Rule 4 and Rule 5; and
2. ASA's Code for People in Advertising ('**Code for People in Advertising**') Basic Principle 3 and Basic Principle 5.

CCO's response to potential breaches of the ASA's Code of Ethics Basic Principle 4, Rule 4 and Rule 5:

Basic Principle 4:

Basic Principle 4 states that all advertisements should be prepared with a due sense of social responsibility to consumers and to society.

We submit that the advertisement has been prepared with a due sense of social responsibility to consumers and to society and does not contain anything which is sexually suggestive, inappropriate or offensive to women. The advertisement draws a connection between Coca-Cola and epic kiwi summer moments and is intended to be light-hearted and fun. We believe this is apparent to viewers with the clear and prominent words at the forefront of the advertisement; "HERE'S TO AN EPIC SUMMER." The woman depicted is in her bikini about to jump into the water below in order to further reinforce the connection between Coca-Cola and summer and the refreshment of jumping into the ocean coupled with a refreshing drink. CCO submits that viewers would easily identify with this image and understand the purpose of including a woman in a bikini is to connect Coke with summer.

With reference to case number 15/393 it was noted that the "advertisement [was] intended to be light-hearted..." and "we believe this will be apparent to viewers." Here the Board was unanimous in the view that the advertisement was light-hearted and they were of the view that "most people would relate to the message" which it said was contextual. We submit that in line with the above reasoning, we believe it is clear to viewers that this is an advertisement for Coke and summer, and hence a woman in the background in a bikini jumping into the ocean below is in line with the context of the advertisement. For the reasons outlined above, we submit that the advertisement has been prepared with a due sense of social responsibility to consumers and to society.

Rule 4 & Rule 5:

Rule 4 of the Code of Ethics covers decency and provides that advertisements should not contain anything which clearly offends against generally prevailing community standards taking into account the context, medium, audience and product (including services). Rule 5 covers offensiveness and provides that advertisements should not contain anything which in the light of generally prevailing community standards is likely to cause serious or widespread offence taking into account the context, medium, audience and product (including services).

CCO submits that the advertisement is not indecent or offensive, and fully complies with Rules 4 and 5 of the Advertising Code of Ethics. As discussed above, we submit that the advertisement is light-hearted and fun by drawing a connection between Coca-Cola and summer and the notion of jumping into the ocean reinforces the idea of a 'refreshing' beverage. We note that this advertisement has been placed Nationwide across, Auckland, Rotorua, Thames Tauranga, Hamilton, Christchurch, and Wellington totaling 45 executions. We have not received any other complaints or negative comments from consumers in relation to this advertisement and as such, we do not consider that the advertisement offends against generally prevailing community standards or is likely to cause any serious or widespread offence. We note that in determining whether the advertisement is indecent or offensive the Board will consider the context, medium, audience and product.

1. Context: The advertisement is part of a wider campaign called 'Here's to an Epic Summer' which is about the celebration of Kiwi Beach Centric Summer Moments, with Coca-Cola featuring a number of Summer Moments amongst friends & family. The advertisement is also part of the Coke's Epic Summer Promotion where MyCoke members are invited to enter points to be in with a chance to win one of the Epic Coke Summer Prizes. The purpose of the advertisement is to connect Coca-Cola with having an epic summer which is made clear with the prominent tagline "HERE'S TO AN EPIC SUMMER." The woman has been depicted in her bikini, jumping into the ocean below in order to further reinforce the connection between Coca-Cola and epic summer experiences, and the refreshment of jumping into the ocean coupled with a refreshing

drink. The hands depicted are clearly reaching for the Coca-Cola beverage, which is the entry mechanic for the MyCoke promotion – ‘grab a Coke, and a chance to Win Epic Prizes’, and are not reaching towards the woman. We submit that when looking at the context, the woman is not portrayed in a sexual or exploitative manner and there is nothing that suggests a sexual or exploitative message, and as such there is nothing indecent or likely to cause serious or widespread offence.

2. Medium: The medium used was an out-of-home ADSHEL bus shelter poster located on Great North Road opposite Western Springs Park in Auckland.
3. Audience: The intended audience of the advertisement was consumers aged between 18-35 years of age. We note that when using out of home, advertisers are required to advertise a reasonable distance from schools. Per the attached image taken from Google Maps, the ADSHEL in question was 580m from the nearest school. Also, as the advertisement makes a call to action to “Search Coke Epic Summer” which takes viewers to the MyCoke webpage where only over 14’s can enter, we submit that the advertisement does not target children. Further, we note that the product depicted was a Coca-Cola No Sugar. The target market for Coca-Cola No Sugar is adult consumers aged between 18-49 years. Consumer data shows that adult consumers aged over 18 constitute more than 85% of the consumers of Coca-Cola no sugar variants.
4. Product: The product depicted is a Coca-Cola No Sugar.

We refer to Case Number 16/340 where the Board considered whether the poster in that advertisement contained anything which clearly offended against prevailing community standards or was likely to cause serious or widespread offence. Here the Board looked to the context, medium, audience and product to determine whether such offence had been caused. The majority of the Board agreed the advertisement did not reach the threshold to have objectified the woman or portrayed her in a manner that used sexual appeal simply to draw attention to an unrelated product. The Board ultimately held that “the advertisement had been prepared with a due sense of social responsibility to consumers and society and there was no apparent breach of the Advertising Codes.” When making this determination, the Board considered whether the woman sitting in her pajamas and eating toast in bed was sexual or exploitative in any way. Here, it was held that neither was sexual or exploitative and “eating in bed was an everyday activity.” In line with this reasoning, we submit that an advertisement for summer that depicts a woman in her bikini jumping into the ocean is perfectly reasonable and is not something which, to the normal consumer would be considered sexual or exploitative. For the reasons provide above, we submit that the advertisement fully complies with Rules 4 and 5 of the Code of Ethics.

CCO’s response to claim of breach of Code for People in Advertising Basic Principles 3 & 5.

Basic Principle 3 and Basic Principle 5:

Basic Principle 3 provides that advertisements should not portray people in a manner which, taking into account generally prevailing community standards, is reasonably likely to cause serious or widespread offence on the grounds of their gender; race; colour; ethnic or national origin; age; cultural, religious, political or ethical belief; sexual orientation; marital status; family status; education; disability; occupational or employment status.

Basic Principle 5 provides that advertisements should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people in society to promote the sale of products or services. In particular people should not be portrayed in a manner

which uses sexual appeal simply to draw attention to an unrelated product. Children must not be portrayed in a manner which treats them as objects of sexual appeal.

We note that the complainant has stated that the advertisement gives an implication of “[a]n epic summer of casual sex” and of “ogling women.” For the reasons outlined above, we submit that the advertisement does not portray women in a manner which is sexual, exploitative or degrading. We note that that when determining this, the Board will consider whether the advertisement has used the woman’s sexual appeal to draw attention to an unrelated product.

We refer to case number 16/244 where the majority of the Board said the context, medium and targeted audience of the advertisement saved it from reaching the threshold to be considered to breach Principle 5, and the use of sexual appeal to sell an unrelated product. While it noted the concerns of the complainant, the majority of the Board said “taking into account generally prevailing community standards, the images did not reach the threshold to be considered exploitative or degrading and did not affect a breach of the Code for People in Advertising.”

In line with the above reasoning, taking into consideration the context, medium and targeted audience of the advertisement, the depiction of the woman does not employ sexual appeal in a manner which is exploitative and degrading to promote the sale of products. The context of the advertisement is to draw a link between Coca-Cola and summer, the medium is an ADSHEL not in the vicinity of schools and the target audience is over 18 year olds. We submit that, taking into consideration these factors, the woman wearing a bikini for the purposes of swimming is a socially appropriate reason to wear a bikini and is not something that portrays women in a way to cause serious or widespread offence and does not employ sexual appeal in a manner with exploitative or degrading to promote the sale of unrelated products.

Conclusion

As a global iconic brand, The Coca-Cola Company takes its obligations to do business with integrity and engage in ethical conduct very seriously. Our business is built on this trust and reputation.

Coca-Cola understands the importance of its role, as a global and iconic brand, to encourage positive messaging to all consumers. We take the above Principles and Rules of both the Code of Ethics and the Code for People in Advertising very seriously. We feel that the underlying messaging of the advertisement is one of fun and light-heartedness promoting an epic summer, with the intention of drawing a connection between Coca-Cola and summer. We feel that the campaign has a fun and positive message and does not contain anything that could undermine either Code.

It is CCO’s view that the Out of Home advertisement, for the reasons listed above, fully complies with all elements of the Code of Ethics and Code for People in Advertising. We consider that when assessed against the relevant Code provisions and the relevant audience, the advertisement does not breach the Codes.

We are very happy to answer any further questions you may have and please let us know if you need more information.

Contact person for advertising complaints	Karen Thompson, Public Affairs Manager
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Name and contact at creative agency	Ogilvy New Zealand Limited, Chris Hotchin
Name and contact at media agency	Ikon Communications (NZ) Limited, Will Douglas
A basic, neutral description of the advertisement	The Out of Home advertisement to which the complaint relates depicts a Coca-Cola No Sugar beverage at the centre of the image along with the words "HERE'S TO AN EPIC SUMMER" which are both prominently displayed. The advertisement also depicts a hand holding a Coca-Cola beverage and a second hand leaning in to grab the beverage. Further into the background we see a young woman in a bikini in a mid-air position about to jump into the ocean below. The Coca-Cola trademark also appears at the bottom of the image along with "Search Coke Epic Summer" and "Taste the Feeling."
Date advertisement began	07 January 2018
Where the advertisement appeared (all locations e.g. TV, Billboard, Newspaper Website)	Small format OOH, large format OOH, mall banners.
Is the advertisement still accessible – where and until when?	No, the advertisement completed on 25 February 2018
A copy of digital media file(s) of the advertisement – if the complaint relates to on-screen graphic, please send a broadcast quality version.	Attached to email.
Who is the product / brand target audience?	The target audience for this advertisement was 18-35 year olds.
<i>Clear substantiation on claims that are challenged by the complainant.</i>	Please see letter attached
The response from the advertiser is included in the published decision. The ASA is not able to accept confidential or proprietary information. Please contact the Complaints	Noted.

Manager if this is an issue.	
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APPEAL INFORMATION

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website www.asa.co.nz. Appeals must be made in writing via email or letter within 14 days of receipt of this decision.