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ASA Adjudication on Beverage Services Ltd

Beverage Services Ltd t/a Coca-Cola Great Britain

1 Queen Caroline Street
Hammersmith
London
W6 9HQ

Date:

17 July 2013

Media:

Television

Sector:

Food and drink

Number of complaints:

12

Agency:

Publicis Ltd

Complaint Ref:

A13-225058

Background

Summary of Council decision:

Three issues were investigated, of which one was Upheld and two Not upheld.

Ad

a. A 30-second TV ad, promoting Coke Zero, featured a picture of a Coca Cola can and stated "= 139 HAPPY CALORIES" and "TO SPEND ON EXTRA HAPPY ACTIVITIES". It featured various activities and on-screen text describing the activity, such as "25 MINUTES OF LETTING YOUR DOG BE YOUR GPS +" whilst showing dog-walking; "10 MINUTES OF LETTING YOUR BODY DO THE TALKING +" whilst showing dancing; "75 seconds of LAUGHING OUT LOUD +"; "1 VICTORY DANCE =" whilst showing someone celebrate a win at bowling; "139 HAPPY CALORIES". Further text stated "BUT IF TODAY YOU DON'T FEEL LIKE DOING IT ... HAVE A COKE WITH ZERO CALORIES" and featured the Coke Zero product. On-screen text stated "Calories burnt may vary".

b. A 120-second TV ad, promoting a range of soft drinks, described the advertiser's past and ongoing commitments to particular causes. The voice-over stated, "For over 125 years, we've been bringing people together ... We've always believed in strong communities and long supported programs that encourage well-being for our people, our society and the environment ... Today one of those issues is obesity, which is why three decades ago, we created 'Diet Coke', the first zero-calorie soft drink. Today, out of 145 drinks in Europe ... 82 contain low or no calories." The claim "82 contain low or no calories" also appeared as on-screen text and the different products in the range were featured on screen. The voice-over continued, "This has helped us reduce the average calories per serving of our sparkling soft drinks in Europe by 10% over the last 10 years ... We continue to innovate, creating smaller portion sizes for our most popular drinks and we've added the calorie content of all our drinks on the front to help make it even easier for people to make informed decisions. We continue to get people physically active through community sport across Europe ... and we continue to work with scientists and nutritionists on innovative things like naturally-sourced, zero calorie sweeteners, such as Stevia. We believe that choices, innovation, information and activity can help make a difference. Healthy living is about balance. The simple common-sense fact is that: all calories count. If you eat and drink more calories than you burn off, you'll gain weight. That goes for Coca-Cola and everything else with calories. Keeping our families and communities healthy and happy is a journey. It will take all of us, and at Coca-Cola we are committed to playing our part. We know when people come together, good things happen." Scenes during the ad included brand and product placement, community and family activities and people being active and doing sports.

Issue

1. Ten viewers challenged whether the claim that the activities in ad (a) would negate the effects of consuming the product, because they did not consider that some of the individual activities featured would be sufficient to do so;
2. six viewers challenged whether the presentation of ad (a) implied a general health claim, which was not compliant with the BCAP Code; and
3. one viewer raised the same challenge in relation to the presentation of ad (b).

BCAP Code

[13.4.33.1](#)

Response

1. Beverage Services Ltd t/a Coca-Cola Great Britain (Coca-Cola) said the ad explicitly communicated that the activities featured needed to be done in combination to burn off the 139 calories in a can of Coke. They pointed out that the ad used a plus ('+') sign between the activities and also an equals ('=') sign, which they considered clearly communicated that it was the sum of those activities that amounted to at least the 139 calories in a can of Coke. They provided their calorie expenditure calculations for the activities and said the ad also included on-screen text stating that "calories burnt may vary".

They stated that they had used universally recognised mathematical signs to indicate that the activities represented needed to be done in combination to reach 139 calories burned and the signs featured prominently, in a significantly larger font than was used to describe the physical activities themselves, and they appeared immediately after the description of each activity. They considered that when a plus and equals sign were used in combination and with high visibility, as they were in ad (a), they did not believe that the majority of people would see the plus sign as decorative.

Clearcast reiterated that the plus/'+' signs shown after each activity made it clear that viewers should partake in all of the activities shown or similar, and not just one, to reach the calorie count. They did not consider viewers would interpret the ad, the activities shown and the potential calorie count burnt during those activities as being 100% literal, and pointed out that people had different metabolisms and ate different diets. They also reiterated that the on-screen text stated "calories burnt may vary".

2. Coca-Cola did not consider that either ad (a) or (b) could be viewed as making or implying any health claim with respect to their soft drinks and believed that Coca-Cola and all of their sugar-sweetened drinks could be enjoyed as part of an active, healthy lifestyle which included a sensible, balanced diet and regular physical activity.

They said ad (a) clearly acknowledged that Coca-Cola, like other sugar-sweetened beverages, had calories. They realised that many people did not burn sufficient calories during each day to balance all the calories they consumed, which was why ad (a) was showing additional, and not regular lifestyle, activities. They said a healthy diet was not about rejecting any one food type, beverage or ingredient, but about making sensible choices that included consuming a variety of foods and beverages in moderation and ensuring individual nutrition needs were met, without exceeding the number of calories burned during the day. They considered ads (a) and (b) aimed to help consumers do that by raising awareness of the caloric content of Coca-Cola, as well as the importance of active lifestyles and overall energy balance. Additionally, it encouraged consumers who wanted to moderate their calorie intake to consider a sugar-free, no calorie Coke Zero.

Clearcast said they felt that the message of the ad was clear and was summed up by the tagline "Balance your lifestyle" which meant that viewers who drank Coke would need to compensate by doing exercise, because the drink was relatively high in calories, which was spelt out with the text "139 Happy Calories". They said there were no references to any general benefit that could be gained from consuming the product and they did not think that there was any implication that original Coke would contribute to a healthy lifestyle.

3. Coca-Cola said they had ensured that the statements in ad (b) did not make any link between the consumption of their products and good health or well-being, nor did they consider that any such claim was in any way implied. They said ad (b) discussed the importance of active, healthy living and informed choices in general and, although it discussed their products and certain ingredients, and featured some of their company's activities towards promoting active living, they felt the ad did not make any link that suggested the consumption of their products made people healthy. They added that ad (b) communicated that all calories counted, including those in their products, when it came to energy balance.

Clearcast considered that imagery outlining the programs designed to encourage more active/healthy lifestyles for people was general information and was not necessarily intrinsically linked with the products themselves. As with ad (a), Clearcast felt that the message was clearly advice to viewers that drinking high sugared drinks should be offset by regular exercise. They considered that the claim "Keeping our families and communities healthy and happy ..." was a pledge by Coca-Cola to help tackle issues such as obesity, and they did not consider that ad make a link between higher sugared drinks and health benefits.

Assessment

1. Upheld

The ASA understood that the ad's message was intended to show that there were 139 calories in a can of Coca-Cola and that the combined activities featured would burn off around that many calories. We noted, however, that the complainants had understood that each of the individual activities depicted could burn off 139 calories.

We noted a plus sign was featured on screen for each activity and that the final scene featured an equals sign, which was intended to indicate that it was the combination of activities which would burn off 139 calories. We considered that the images of the activities featured were the main focus of the ad and noted that the on-screen text listing each activity changed with each scene, but that the "+" remained constant. We therefore considered that the plus sign was not as prominent as the on-screen text describing the activities and further considered that some viewers might infer that the plus sign was purely decorative. In light of that ambiguity, we considered that it would not be clear to some viewers that it was the combination of all the activities depicted which would burn off 139 calories.

We also noted that the first activity "25 MINUTES OF LETTING YOUR DOG BE YOUR GPS +", which featured a woman jogging whilst walking her dog, and the second activity "10 MINUTES OF LETTING YOUR BODY DO THE TALKING" which featured a man dancing, were energetic activities which were likely to burn a high number of calories. We considered that that further supported the complainants' impression that the ad was presenting a series of featured activities which, in themselves, would be sufficient to burn 139 calories, rather than presenting a combination of activities.

Although we understood that the ad had intended to convey that the combined activities would burn 139 calories, because we did not consider that that was sufficiently clear to some viewers, we concluded the ad was likely to mislead.

On that point, ad (a) breached BCAP Code rules 3.1 (Misleading advertising).

2. Not upheld

We considered that the ad was making a statement about the number of calories in a Coca-Cola can, presenting the general information that certain activities would burn calories, and informing consumers that Coke Zero, a zero calorie alternative, was also available. We did not consider that the ad was making health claims about the products featured in the ad, but was presenting general information about their calorie content. We therefore concluded that the ad was not implying a general health claim for the Coca-Cola products featured in the ad and concluded that it had not breached the Code.

On that point, we investigated ad (a) under BCAP Code rule 13.4.3 (Food, food supplements and associated health or nutritional claims - EU Register), but did not find it in breach.

3. Not upheld

We noted that the ad promoted a range of soft drinks from Coca-Cola and considered it presented the community activities the brand had historically promoted, provided general information about calorie consumption and burning calories whilst highlighting the value of an active lifestyle, and set out the historical and average calorie reductions across the Coca-Cola range of soft drinks. We noted the ad therefore presented factual information about the brand and about health issues, but did not consider the claims went so far as to imply a general health claim for the particular Coca-Cola products featured in the ad or for the range of soft drinks.

We noted that the ad stated "82 [drinks in Europe] contain low or no calories. This has helped us reduce the average calories per serving of our sparkling soft drinks in Europe by 10% over the last 10 years" and considered whether that claim was an example of a nutrition claim. We noted that the definition of a nutrition claim was that "any claim which states, suggests or implies that a food has particular nutritional benefits". We considered that ad (b) made clear that its claims related to the range of products in the Coca-Cola brand, both through the voice-over and the images featured on screen. We therefore

considered that the reference to a 10% reduction across the range of Coca-Cola soft drinks was not a nutrition claim about the effects of a particular food for the purposes of the Code.

We also noted that the ad stated "Today one of those issues is obesity, which is why three decades ago, we created 'Diet Coke', the first zero-calorie soft drink. Today, out of 145 drinks in Europe ... 82 contain low or no calories". Whilst we considered that that claim could be interpreted to make a connection between obesity and calorie intake, we did not consider that it implied that the consumption of Diet Coke reduced a risk-factor in the development of obesity. We therefore considered that the ad was not making a health claim.

In light of the above, we did not consider that the ad was making general or specific health claims. Because we considered that the ad was not implying a general health claim for the Coca-Cola products featured in the ad, we and concluded that it had not breached the Code.

On that point, we investigated ad (b) under BCAP Code rule 13.4.3 (Food, food supplements and associated health or nutritional claims - EU Register), but did not find it in breach.

Action

Ad (a) must not be broadcast again in its current form.