
Case ID: 22

Decision

To	EU Pledge Secretariat	Date of mtg	27 August 2020
From	EASA Secretariat	Date sent	31 August 2020

Experts

Ildikó Fazekas (ÖRT, Hungary)
Katja Heintschel von Heinegg (DWR, Germany) (Chairperson)
Ellen Zevounou (ARPP, France)

Ruling – The Coca-Cola Company

Description

Coca-Cola products are promoted at the vending machines at the entrance of the Efteling Theme Park in the Netherlands.

Complaint

In a previous case of the EU Pledge Accountability Mechanism (Case 19) regarding fairy tale themed advertisements at vending machines at the entrance of the Efteling Park, the panel considered that the vending machines had imagery and fairy tale scenes which were primarily appealing to children, therefore the complaint was then upheld. Based on this decision, Coca-Cola replaced the ads with new ones. The complainant claimed that the previous fairy tale scenes were replaced by new ones which still attract the attention of children below the age of 12, such as a fairy, the bird from an Efteling attraction, sparkling forests and sparkling soft drinking bottles.

Advertiser's response

The advertiser emphasised that following on the previous decision the appealing visuals have been replaced with silhouettes in the background which have a broad age appeal.

EU Pledge commitment

- *EU Pledge members commit either to:*
 - *Only advertise products to children under the age of 12 years that meet the common EU Pledge Nutrition Criteria; or*
 - *Not to advertise their products at all to children under the age of 12 years.*
- *The above policy covers marketing communications for food and beverage products that are primarily directed to children under 12 in covered media.*
- *Marketing communications means paid advertising or commercial sales messages for food and beverage products, including marketing communications that use licensed characters, celebrities, influencers, and movie tie-ins primarily appealing to children under 12. Company-owned, brand equity characters are not covered by the policy.*

- *From 1 January 2017, the EU Pledge commitments apply to the following media: TV, radio, print, cinema, online (including company-owned websites and company-owned social media profiles), DVD/CD-ROM, direct marketing, product placement, interactive games, outdoor marketing, mobile and SMS marketing.*
- *In non-measured media (i.e. print, cinema, online – including company-owned websites and company owned social media profiles –, direct marketing, product placement, interactive games – whether online or on DVD/CD-ROM –, outdoor marketing, mobile and SMS marketing), companies will consider, in addition to placement, the overall impression of the advertising, actions taken to restrict child access (where appropriate) and the target demographic based on the company's media plan.*
- *Ten EU Pledge member companies (including Coca-Cola) have taken the decision not to advertise any of their products to children under 12, not on the basis of nutritional considerations, but because they direct their advertising primarily to the adults who make the household purchasing decisions and to young people older than 12 years.*

Decision

The Panel considered whether the visuals appearing on the soft drink vending machines located outside the theme park were outdoor advertising. The Panel confirmed that since product imagery was displayed on a vending machine (as opposed to the products being visible in the vending machine), and since the vending machine was visible to the general public and passers-by, then it is outdoor marketing.

Whilst identifying the presence of elements which individually could be considered appealing to children, the Panel considered the overall impression of the ad to be appealing to all guests of the theme park, rather than primarily to children under the age of 12. The Panel deemed the ad to feature light colours as well as the product itself, along with drawings inspired from the theme park, all of which were not specifically appealing to children under the age of 12.

Panel decision: complaint not upheld