



## Case Report

1	Case Number	0502/11
2	Advertiser	Sanitarium Health Food Company
3	Product	Food and Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	18/01/2012
6	DETERMINATION	Dismissed

### ISSUES RAISED

Food and Beverage Code (Children) Encourage excess consumption  
Food and Beverage Code healthy lifestyle/excess consumption  
Advertising Message AFGC - Advertising Message

### DESCRIPTION OF THE ADVERTISEMENT

The 'Statistics' campaign highlights the individual sports stars career achievements and links this to the right preparation through healthy eating habits. The number of weet-bix that Tim Cahill and Brett Lee eat is supered up as we see them enjoying a healthy start to the day. They then ask the question of 'how many ( weet-Bix ) do you do'?

### THE COMPLAINT

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

*Sanitarium continues to encourage children to over-eat their product by using elite athletes in their advertisements. Most recently the professional footballer Tim Cahill saying he eats 9 or 10 (I forget the exact number). While Weetbix is an excellent and nutritious product, if a young child (the target market) tries to eat 9 or 10 Weetbix a day it would be very unhealthy. Sanitarium has in the past used this same tactic with other sporting 'heroes' such as Brett Lee and the Wallabies. Elite athletes may be able to consume this amount of calories for breakfast but kids can't. I have contacted the company directly about this but the ads continue to run. Please note that I am not complaining about the quality of the product but about the implied health benefits of eating 10 Weetbix a day. There are 590 calories in 10*

*Weetbix according to the Sanitarium website (<http://www.sanitarium.com.au/products/breakfast/weet-bix/original>). This is far more than a Big Mac which has 478 (<http://www.alfitness.com.au/food-calorie-counter.asp?id=5723&sWord=Big mac&page=>) but imagine the outcry if Tim Cahill advertised that he ate a Big Mac for breakfast every day!*

## **THE ADVERTISER'S RESPONSE**

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

*We have considered the complaint and the advertisement in question in light of the provisions of the AANA Code of Ethics ("AANA Code"), the AANA Food and Beverages: Advertising and Marketing Communications Code ("F&B Code") and the AANA Code For Marketing and Advertising Communications To Children ("Children's Code"). We note that the nature of the complaint relates generally to the F&B Code and specifically to the concern that the advertisement in question encourages excessive consumption of food and beverage products and undermines the importance of a healthy lifestyle.*

*We have carefully considered the AANA Code, the F&B Code and the Children's Code, and have assessed the provisions against the content of this advertisement. We submit that the advertisement does not breach the AANA Code, the F&B Code or the Children's Code on any of the grounds set out in the same.*

*Firstly, we note that the advertisement is not primarily directed at children, therefore strictly speaking the Children's Code does not apply. However, even if the Children's Code did apply, in our view the advertisement does not breach any provision of the Children's Code. Looking at the Children's Code, Provision 2.15 states that advertising and marketing communications that are primarily directed at children and that are for food or beverages products "must neither encourage nor promote an inactive lifestyle or unhealthy eating or drinking habits." We note this provision substantially mirrors Provision 2.2 of the F&B Code. We consider this provision in the below paragraphs in more detail, and submit that the considerations below apply equally to Provision 2.15 of the Children's Code.*

*Looking at the F&B Code, Provision 2.2 provides that advertisements for food and beverages "shall not undermine the importance of healthy or active lifestyles nor the promotion of healthy balanced diets, or encourage what would reasonably be considered as excess consumption through the representation of product/s or portion sizes disproportionate to the setting/s portrayed or by means otherwise regarded as contrary to Prevailing Community Standards." Further, Provision 3.2 provides that advertisements for food and beverages directed at children "shall not improperly exploit Children's imaginations in ways which might reasonably be regarded as being based upon an intent to encourage those Children to consume what would be considered, acting reasonably, as excessive quantities of the Children's Food or Beverage Product/s." In our view no other provisions of the F&B Code are applicable to this advertisement.*

*With regard to Provision 2.2, we note that the advertisement in question features well known Australian representative soccer player Tim Cahill. In the advertisement, a list of Tim's achievements is shown on screen, ending with how many Weet-Bix they eat for breakfast. Tim then addresses the viewer directly and asks the question, "How Many Do You Do?". In our view, the advertisement does not undermine the importance of a healthy or active lifestyle but*

*rather, through the use of a well-known high achieving athlete as a spokesman for the product, actively encourages viewers to aspire to do well in their athletic pursuits, and therefore, encourages active and healthy lifestyles.*

*Further, with regards to the question of whether the advertisement encourages excess consumption, we note that a sportsman such as Tim Cahill would reasonably consume a higher amount of Weet-Bix than the standard serving suggestion due to the amount of energy required in his athletic activities and training regimen. We note that in the Practice Note published in relation to the F&B Code states, in matters relating to Provision 2.2 that “in testing whether an advertising or marketing communication encourages excess consumption through representation of products or portion sizes disproportionate to the setting portrayed, or by any other means contrary to prevailing community standards, the Board will consider whether members of the community in the target audience would most likely take a message condoning excess consumption.” Accordingly, in our view, most reasonable viewers would understand that a highly active athlete such as Tim Cahill would require a larger serving suggestion to meet his dietary requirements, and would not find the amount noted in the advertisement to be excessive.*

*Generally speaking, the intention of the advertisement was not to challenge viewers to try to eat as many Weet-Bix as Tim Cahill, but rather, to encourage viewers to simply eat Weet-Bix as it is a healthy cereal, as opposed to the more sugary alternatives offered by competitors. In this respect, we note the following benefits of Weet-Bix:*

*Weet-Bix is nutrient dense NOT energy dense.*

*For every 100g of Weet-Bix, compared to 100g of the other competitor cereals, much more wholesome nutrition is provided.*

*Sanitarium Weet-Bix*

*Kellogg's Coco Pops*

*Kellogg's Nutri-Grain*

*Uncle Toby's Cheerios*

*Wholegrain (%) 97% ~1%^ ~21% ~77%^*

*Energy (kJ/100g)*

*1490*

*1610*

*1600*

*1560*

*Protein (g/100g)*

*12.4*

*4.6*

*21.9*

*8.1*

*Sat fat (g/100g)*

*0.3*

*0.2*

*0.1*

*1.1*

*Carbohydrate (g/100g)*

*67*

*88.4*

*69.4*

*75 Sugar (g/100g) 3.3 36.5 32.0 21.6 Fibre (g/100g) 11.0 1.2 2.7 6.6 Sodium (mg/100g) 290*

*540 560 470*

*Vit & Min*

*Iron, zinc, magnesium, B1, B2, B3, Folate*

*Iron, calcium, zinc, B1, B2, B3, B6, Folate and C*

*Iron, calcium, B1, B2, B3, B6, Folate and C*

*Iron, zinc, B1, B2, B3, Folate*

*^ Our estimation of wholegrain content, based on ingredient list currently available online. Sugar provides energy or kilojoules without any further nutritional value. Weet-Bix is low in sugar, containing just 3.3g per 100g. When compared with other cereals, Coco Pops has 10 times more sugar, Nutri-Grain has 9 times more, and Cheerio's, approximately 6 times more sugar than Weet-Bix.*

*Fibre is an essential nutrient in our diets, with most Australians not meeting the recommended amount (see <http://www.gograins.com.au/wp-content/uploads/2011/04/Go-Grains-4+-serves-a-day-Brochure.pdf>). Weet-Bix is high in fibre and has the highest fibre content, 9 times more than Coco Pops, 4 times more than Nutri-Grain, and 1.5 times more than Cheerio's.*

*Wholegrains are an important part of a balanced diet and lifestyle, shown to improve health and wellbeing. Wholegrains contain the complete package of nutrients naturally occurring in the grain, including – protein, carbohydrate, fibre, vitamins and minerals.*

*Go Grains Health & Nutrition recommend we consume 48g of wholegrains each day for good health. Just one serve of Weet-Bix provides over 60% of this daily target.*

*As can be seen from the above table, Weet-Bix again has far more nutritional integrity than other competing products, and has 97% wholegrain ingredients.*

*Further nutritional attributes of Weet-Bix:*

*High in iron.*

*Contains zinc and folate.*

*Low in fat.*

*Low in saturated fat and cholesterol free.*

*No artificial colours or flavours*

*No added preservatives*

*Accordingly, Weet-Bix is a very healthy breakfast cereal which is good for children and in our view they should be encouraged to eat it over sweet cereals, including via the use of a sports personality to encourage the same.*

*With regards to Provision 3.2, we note that the advertisement does not market a "Children's Food or Beverage Product" under the meaning given by the F&B Code. Having said that, even if Provision 3.2 was applicable, in our view it has not been breached by the advertisement. Specifically, we note the expression "How Many Do You Do?" is not a direct challenge to try to eat as many Weet-Bix as Tim Cahill, but rather, is a positive statement designed to have viewers think about what food they do consume for breakfast and whether it is healthy. In our view the encouragement of viewers to eat Weet-Bix is a positive one as Weet-Bix is a very healthy cereal that provides many benefits to consumers, particularly young people. Further, as stated above, the amount specified in the advertisement would not be considered excessive in relation to active athletes with healthy lifestyles such as Tim Cahill.*

*Accordingly, we submit that the advertisement does not breach Provisions 2.2 and 3.2 of the F&B Code, Provision 2.15 of the Children's Code, or any other provision of either Code.*

*Finally, with regards to the AANA Code of Ethics, we note that no specific provisions of the Code are applicable to this advertisement. Accordingly, in our view no provisions of the Code have been breached.*

## 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) or section 2 of the Advertiser Code of Ethics (the “Code”).

The Board noted the complainant’s concern that the advertisement undermines the promotion of a healthy balanced diet and encourages excess consumption.

The Board viewed the advertisement and noted the advertiser’s response.

The Board determined that the advertisement is not directed primarily to children and is for a product aimed at all ages and not just children so the AANA Code for Advertising and Marketing Communications to Children does not apply.

The Board noted that the product advertised is food and that therefore the provisions of the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code) apply. In particular the Board considered section 2.2 of the Food Code which provides:

‘Advertising or Marketing Communications for Food or Beverage Products shall not undermine the importance of healthy or active lifestyles nor the promotion of healthy balanced diets or encourage what would reasonably be considered as excess consumption through the presentation of product/s or portion sizes disproportionate to the settings portrayed or by means otherwise regarded as contrary to Prevailing Community Standards’

The Board noted that 'prevailing community standards' means the community standards determined by the Advertising Standards Board as those prevailing at the relevant time, and based on research carried out on behalf of the Advertising Standards Board as it sees fit, in relation to the advertising or marketing of food or beverage products taking into account at a minimum the requirements of the Australia New Zealand Food Standards Code, the Australian Dietary Guidelines as defined by the National Health and Medical Research Council and the National Physical Activity Guidelines as published by the Federal Government of Australia.'

The Board noted the explanatory notes to the Food Code prepared by AANA which, in relation to Section 2.2, provide:

‘In testing whether an advertising or marketing communication undermines the importance of a healthy lifestyle, the Board will consider whether the communication is disparaging of healthy foods or food choices or disparaging of physical exercise.

Such disparagement need not be explicit, and the Board will consider the message that is likely to be taken by the average consumer within the target market of the communication’.

‘In testing whether an advertising or marketing communication encourages excess consumption through representation of products or portion sizes disproportionate to the setting portrayed, or by any other means contrary to prevailing community standards, the

Board will consider whether members of the community in the target audience would most likely take a message condoning excess consumption.’

The Board noted that there are two television advertisements featuring well known sportsmen with Tim Cahill stating that he eats 9 Weetbix and Brett Lee that he eats 7 Weetbix, and that they both ask the viewer, “how many do you do?”

The Board noted that Tim and Brett are not inviting the viewer to beat the number of Weetbix they can eat but just asks how many the viewer can eat. The Board noted the advertiser’s response that Weetbix is nutrition dense and not energy dense and considered that it would be unlikely that a child could physically consume a high number of Weetbix in order to compete with a sportsman.

The Board noted that both Tim Cahill and Brett Lee’s sporting achievements are displayed on screen and considered this further confirmed the connection between healthy eating and an active lifestyle.

The Board considered that the product and this campaign are well known to the community and that the depiction of an elite sportsman in conjunction with a very large serve of the product was not encouragement for children to consume that amount of the product. The Board considered however that this approach could be construed differently in the future as community standards change in the context of concern about overweight children. The Board determined that the advertisement did not undermine the promotion of a healthy balanced diet and did not encourage excess consumption and therefore did not breach Section 2.2 of the Code.

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