



Case Report

1	Case Number	0036/11
2	Advertiser	Coca-Cola Amatil
3	Product	Food and Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	23/02/2011
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

Food and Beverage Code (Children) misleading/deceptive
Food and Beverage Code (Children) undermine parent
2.8 - Food and Beverage Code undermines healthy lifestyle

DESCRIPTION OF THE ADVERTISEMENT

Commercial is set at a typical suburban primary school and opens on a bird in the schoolyard pecking away at a discarded apple.

A boy takes a banana from his backpack on his shoulder and sneaks it into the backpack of the boy in front of him.

A girl opens her locker and as she takes out her books she purposely knocks a pear out of her locker and casually kicks it under the locker.

In the schoolyard where one boy bowls a mandarin to another boy with a cricket bat and he splatters it everywhere.

Cuts to a girl sitting on a bench nearby eating an SPC Fruit Snack in Jelly. Part of the mandarin splats on the seat next to her. She looks over to the boys then to her SPC Fruit Jelly. Close up of pack as she takes a mouthful and a voice-over, "Fruit that won't get thrown away."

THE COMPLAINT

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

I object to it being portrayed / modelled to children that this is what you should do with fruit that a perfectly good and healthy food should be rejected (kicked away/smashed with a bat).

Doing that to food is totally unacceptable and should not be held up to children as a way to behave.

It gives a poor message to children about valuing food provided to them and undermines the attempts of parents to provide their children with healthy food free of added sugar and colourings.

I work at a primary school where we have a 10 o'clock fruit break students are gradually seeing eating raw fruit as a natural snacking behaviour. This advert totally undermines the message we are trying to give them.

The ad is showing that standard fresh fruit is not a good choice for kids to have or eat in their lunchbox and instead they would be much better off having a pre packaged jelly style fruit snack. I object to this ad and find it offensive.

Not only does it suggest to adults and kids that fresh fruit is not appealing to kids to have at school and pre packaged fruit no doubt with added sugar etc is a better option even worse it suggests that the kids should discard/destroy/use as balls fresh fruit that does go into their lunch box.

I have 6 year old twin boys and for one of them in particular I struggle every day to get him to eat any fresh fruit at all. I know if they saw that ad he in particular would find it very funny and not only would he not want to eat the fresh fruit I do try and give him it would put the idea in his head to discard it or play with it. Something I am very strict about - food is not a toy and should not be abused or played with.

I find it very irresponsible and offensive that a food company should make those suggestions in an ad that encourage food that parents spend money on sending to school in lunch boxes should be thrown out and abused in this way.

Whilst I acknowledge there is a place for that style of fruit snack it is the suggestion that fresh fruit that parents put in lunch boxes be kicked and used as a ball to make way for that type of snack that I find offensive and very irresponsible of the company. I know how influenced children are by advertising and I sincerely hope my children never get to see that ad and never act in that way towards fresh food of any type.

Firstly it shows children that it is ok to dispose of food by throwing it away anywhere (but not into a bin) in your school grounds. Then it shows children using an orange as a cricket ball and seeing it splatter on the wall of a school building is fun. Who then cleans the cricket bat (which would be school property) who cleans the wall and who picks up the debris.

The worst message being given to children is that fruit is hated by most children and that it is un-cool to eat. It also encourages children to ask for the advertised food which is processed and presented in a plastic container. To me these are all bad messages at a time when obesity in children is of great concern along with our environment.

The product may be good/nice but the messages that the ad gives to children is very irresponsible.

In an era of childhood obesity with many government and other efforts being made to ensure children consume vegetables and fruit instead of manufactured sugar-added foodstuffs it is outrageous that an advertisement should effectively encourage children to discard natural fruit in favour of the processed fruit.

I was shocked by this ad for a number of reasons. Firstly the portrayal of fresh fruit being violently discarded was quite disturbing. But also the potential impact that this ad will have on children's behaviour and attitudes is very worrying.

I was dismayed at the impact that this ad will have on children. My own children are generally happy to eat fruit unlike the children portrayed in the ad but like most kids are acutely aware of the cool factor and what is acceptable amongst their peers. If they see children in the ad rejecting fruit they are more likely to do the same. They are also likely to see it as completely ok to bash and kick food around which I do not believe is acceptable

behaviour. Not all children reject fruit and this advertisement has the potential to negatively change behaviour of children who view this ad.

It is apparent that SPC wishes to encourage parents and children to view their product as more desirable than fresh fruit. In the process the ad creates or reinforces a view that highly nutritious fresh fruit is undesirable and to be actively rejected. It is difficult to understand how this is acceptable advertising given the current health crisis of childhood obesity.

Firstly it is disgusting and offensive to display the waste of fruit by children and in particular the way they just get rid of it by either shoving it in someone else's back pack or literally throwing it on the ground and kicking it away.

It is also extremely distasteful as due to the recent floods we have less availability of fresh fruit.

Also, why is it ok to show that eating fruit from a plastic container is ok? No good at all.

The ad implies that young children do not want to eat fresh fruit but prefer to eat sugary fruit and jelly from a plastic container.

In my opinion this advertisement is giving a wrong message to our young kids about real fruits. I would like you to give a serious thought before continuing this wrong advertising campaign on television. Is it possible that you can ask SPC to either change the advertisement or scrap it?

Hope to see an action from you very soon.

This is giving children the wrong idea totally i.e. it's ok to eat fruit covered in sugary jelly as opposed to fresh healthy fruit. No wonder we are encouraged to be "obese". It's a "bad ad" and I hope you take it off Channel 7.

THE ADVERTISER'S RESPONSE

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

As growers and producers of fruit products, no one is more concerned that children should have a healthy diet, than SPC.

The advertisement referred to in this complaint is based around an insight that mothers raise time and time again in research groups. That is, the fruit they send to school ends up discarded, uneaten and therefore wasted: just as it is portrayed in the advertisement. We are not suggesting that real fruit should be wasted, just that children do it.

Therefore the basis of this advertisement is that this is fruit that won't get thrown away.

Under the relevant section 2.6 of the code of ethics, we do not believe we have in any way depicted fruit in a way that is at odds with current community standards of health and safety, in that it reflects a problem parents have, rather than encouraging children to misbehave.

While we are in no way suggesting that SPC Fruit is superior to fresh fruit, it is the next best thing and far better than most snacks. Therefore if children can be encouraged to eat fruit in some form we are at least setting up healthy habits.

Effective advertising is all about having insights into the consumer needs and demonstrating that you understand their problems. While the complainant may not agree, the insight here is that families are looking for lunch box treats that will be eaten, not wasted.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches section 2 of the Advertiser Code of Ethics (the “Code”), the AANA Food and Beverages Advertising and Marketing Communications Code or the AANA Code for Advertising and Marketing Communications to Children (the Children’s Code).

The Board noted the complainants’ concerns that the advertisement suggests that SPC is better for children than fruit, encourages pester power, and condones littering.

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

The Board noted that it had previously considered and dismissed complaints about this advertisement in May 2006 (case reference 176/06). The Board noted that the Board procedures state that: ‘In other than exceptional circumstances, as determined by the Bureau CEO, a determination of the Board shall not be re-examined in relation to the same or substantially similar advertisement until the expiration of five (5) years from the date of the original determination or, if the decision was reviewed under Section 7, after five (5) years from the date of the review determination.’

The Board noted the CEO’s advice that in her view the Board should re-examine its determination as; (i) it is only three months short of the five year period and, (ii) in the CEO’s view, it is likely that community standards have developed on this issue over the past 4 years and 9 months to justify the Board’s further examination of its consistency with the advertiser Codes. The Board accepted the CEO’s recommendation to re-examine its earlier decision.

The Board first considered whether the advertisement is advertising or marketing communications to children.

The Board then needed to determine whether the advertisement is an “Advertisement to Children”, which is defined as meaning:

“Advertisements which, having regard to the theme, visuals and language used, are directed primarily to Children and are for Product”.

Firstly the Board is required to consider whether the advertisement is for a “Product”. “Product” is defined in the Children’s Code as meaning;

“goods, services and facilities which are targeted toward and have principal appeal to Children”.

“Children” are defined in the AANA Code of Advertising to Children as being 14 years old or younger. The Board determined that an SPC fruit snack is a “good” targeted toward and having principal appeal to Children and accordingly is a Product.

The Board noted that having regard to the music, theme and visuals used, the advertisement was not directed primarily towards children but instead was directed towards their parents who prepare their lunch boxes for them.

The Board considered that, although the advertisement is for a product of principal appeal to children, as the advertisement is directed to adults, not children, the provisions of the Children's Code do not apply.

The Board determined that the advertisement did not contravene the provisions of the Children's Code.

The Board considered whether the advertisement was in breach of Section 2.1 of the AANA Food and Beverages Advertising and Marketing Communications Code. Section 2.1 of the Code states:

"Advertising or Marketing Communications for Food or Beverage Products shall be truthful and honest, shall not be or be designed to be misleading or deceptive or otherwise contravene Prevailing Community Standards and shall be communicated in a manner appropriate to the level of understanding of the target audience of the Advertising or Marketing Communication with an accurate presentation of all information, including any references to nutritional values or health benefits."

The Board noted that the advertisement shows various children using different methods to get rid of their fruit: one boy hides a banana in another boy's bag, a girl kicks her pear under a locker and two boys play cricket with an orange. The Board noted that the boys are participating in a healthy activity and that the advertisement does not encourage excess consumption of the advertised product.

The Board noted the advertiser's response that the message of the advertisement is that children do waste fruit, not that they should waste fruit, and that if children were given SPC instead there would be no waste.

The Board agreed that it can be difficult for parents to encourage children to make healthy food choices and noted that the advertised product is a fruit product. The Board noted the Australian Government, Australian Guide to Healthy Eating, which recommends that people over four eat between 1 – 5 sample serves of fruit per day. The Board noted that the Guide includes, as fruit, '1 cup diced pieces or canned fruit', followed by further recommendation '•For convenience use canned fruit as a nutritious replacement for fresh fruit, especially those varieties that are canned in natural juice or without added sugar.'

The Board noted that the advertised product in this advertisement is fruit in jelly with a fruit content of only 28%, with sugar added as a component of the jelly. The Board considered that this product would be unlikely to be seen as a substitute for a piece of fruit.

The Board noted that in its 2006 consideration of this advertisement the (then) Board had commented that 'given the current community concern as to obesity in children, the concepts

presented in the advertisement endorsing processed products over fresh fruit were unfortunate.’

The Board considered that over the past five years the level of community concern in this area has increased.

The Board considered that even though it may be true that some children would prefer to throw fruit away rather than eat it, this fact should not be advertised in a manner that suggests that parents/carers replace fresh fruit with the advertised product. The majority of the Board considered that the advertisement is encouraging consumers to choose the advertised product over fresh fruit or over a product which would be consistent with dietary guidelines and is therefore contrary to prevailing community standards.

Based on the above, the Board determined that the advertisement breached section 2.1 of the Food and Beverages Code. The Board determined that the advertisement complied with all other sections of the Food and Beverages Code.

The Board noted the complainants’ concerns regarding the manners in which the children dispose of their fresh fruit and that this was littering. The Board considered that whilst littering is undesirable, fruit is biodegradable and the advertisement is depicting an exaggerated school yard scene and, as it is directed primarily to adults, is not condoning or encouraging littering.

Finding that the advertisement was in breach of Section 2.1 the Food and Beverages Code, the Board upheld the complaint.

ADVERTISER RESPONSE TO DETERMINATION

In response to your letter dated 25 February 2011, SPC will take action to discontinue using the advertisement