



Case Report

1	Case Number	0045/11
2	Advertiser	Kellogg (Aust) Pty Ltd
3	Product	Food and Beverages
4	Type of Advertisement / media	Billboard
5	Date of Determination	23/02/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

Advertising Message - AFGC - Advertising Message

DESCRIPTION OF THE ADVERTISEMENT

Yellow background with image of box and bowl of Coco Pops. In one image, the Coco Pops have raised up out of the bowl to form large slides, and the accompanying text reads, "Splash into chocolatey fun" and in the other image the Coco Pops have formed a diving board and the text reads, "Spring into chocolatey fun."

THE COMPLAINT

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

The parent who pointed this out to us is concerned the ad was run in the school holidays: "it is clearly designed to appeal to children and is displayed at a time when children are more likely to see the billboards as parents are likely to be driving their children around during the school holidays. The suggestion of chocolatey fun also appeals to children".

The advertisement is directed to children as:

- (a) it is bright and colourful*
 - (b) uses the words "chocolatey fun" and the imagery of a diving board and water which are fun Summer activities to provide an association of this cereal with enjoyment and pleasure*
 - (c) the cereal almost comes to life with the imagery of it 'springing' out of the bowl*
- We believe the advertisement breaches the Responsible Children's Marketing Initiative of the Australian Food and Beverage Industry as this advertisement does not "represent healthy dietary choices".*

Advertising Messaging

Participants will not advertise food and beverage products to children under 12 in media unless:

1. those products represent healthy dietary choices consistent with established scientific or Australian government standards.

Kellogg's Coco Pops are not a healthy dietary choice as they contain over 36% sugar. Coco Pops also contain 564mg sodium per 100g which is well above the Heart Foundation tick program cut off of 400mg sodium per 100g.

THE ADVERTISER'S RESPONSE

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

Complaint

We note that the Complainant alleges the Advertisement breaches the Responsible Children's Marketing Initiative of the Australian Food and Beverage Industry as the Advertisement does not represent healthy dietary choices.

We also note that the Complainant alleges that the Advertisement is directed at children because:

- (a) It is bright and colourful;*
- (b) uses the words "chocolatey fun";*
- (c) images of diving board and water are fun summer activities; and*
- (d) cereal comes to life through its images.*

Kellogg's Response

We further note that the Advertising Standards Board will consider the complaint under the Responsible Children's Marketing Initiative of the Australian Food and Grocery Council (AFGC Initiative) and against section 2 of the AANA Advertiser Code of Ethics (Advertiser Code of Ethics).

Kellogg considers that the Advertisement is not in breach of the Advertiser Code of Ethics. Kellogg also considers that because the Advertisement is directed at the main adult grocery buyer of households with kids (i.e. adult targeted) the Advertisement is not an advertisement directed at children. As Kellogg considers the Advertisement is not an advertisement directed at children, the Advertisement does not breach the AFGC Initiative nor does the Advertisement breach the AANA Code for Advertising & Marketing Communications to Children.

The Advertisement is not an advertisement directed at children because:

- The media buy for the Advertisement was against main grocery buyers with children aged 5-12 years old;*
- The location of the billboards was on major arterial roads and did not include any locations where children might congregate such as in playgrounds or child minding centres; and*
- The billboards were on display for a limited period of time during school holidays on major arterial roads to help inspire those adult grocery buyers with children as a suggested treat food and to inspire mums in 'planning' fun times for holidays, the imagery represents active outdoor activities that families can enjoy together. Kellogg also notes that the Advertisement*

contains no health or nutritional claims. The colours used in the Advertisement are consistent with the packaging and brand of Coco Pops.

Kellogg notes that as at the date of this response - all billboards featuring the Advertisement have been replaced with other advertising.

Kellogg takes compliance with the Codes very seriously. Kellogg looks forward to receiving the Board's determination with regard to the Complaint.

THE DETERMINATION

The Advertising Standards Board (Board) considered whether this advertisement breaches section 2 of the AANA Advertiser Code of Ethics (the "Code"), the AANA Code for Advertising and Marketing Communication to Children (Kids Code) and the AFGC Responsible Children's Marketing Initiative of the Australian Food and Grocery Council (AFGC RCMI).

The Board noted the complainant's concerns that the advertisement breaches the AFGC RCMI because it is for a product which does not represent a healthy dietary choice and it is aimed at children.

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

First, the Board considered whether the advertisement met the requirements of the AFGC RCMI. The Board noted that under the AFGC RCMI the relevant requirement is that the company does not advertise food and beverage products to children under 12 in 'media' unless those products represent healthy dietary choices.

Media is defined as: 'Media means television, radio, print, cinema and third-party internet sites where the audience is predominantly children and/or having regard to the theme, visuals, and language used are directed primarily to children.'

The Board noted that as this advertisement was featured on a billboard, it does not come under the media definition stated in the AFGC RCMI, and therefore the Board cannot consider this complaint under the AFGC RCMI.

The Board then considered whether the advertisement was in breach of the AANA Code for Advertising and Marketing Communication to Children.

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 Kellogg Coco Pops is a “good” targeted toward and having principal appeal to Children and accordingly is a Product.

The Board noted the use of the phrase “chocolatey fun” and that the product is described on the image of its packaging as “Just like a chocolatey milkshake...only crunchier!” and considered that this language is directed at children. The Board noted that having regard to the language, theme and visuals used, the advertisement was directed at children.

The Board then considered the provisions of the Children’s Code.

The Board considered that advertising a particular cereal product is not, of itself, contrary to community standards, and that therefore the advertisement did not breach section 2.1 of the Code.

The Board also considered clause 2.15 of the Children’s Code which requires that:

- (a) Advertising or marketing communications to children for food or beverages must neither encourage nor promote an inactive lifestyle or unhealthy eating or drinking habits.
- (b) Advertising or marketing communications to children must comply with the AANA Food and Beverages Advertising and Marketing Communications Code.

The Board considered that the advertisement for Coco Pops did not, of itself, promote or encourage unhealthy eating habits and there was nothing about the advertisement which suggested or promoted an inactive lifestyle. In fact the Board noted that the advertisement suggests swimming – with the product forming the shape of a swimming pool and slide. The Board considered that the advertisement did not breach section 2.15(a) of the Code.

The Board considered the provisions of the Food Code. The Board considered that advertising a particular type of cereal to a broad audience is not of itself contrary to prevailing community standards nor is it undermining the importance of healthy or active lifestyles or the promotion of healthy balanced diets. The Board also considered that there is nothing in this particular advertisement which would breach sections 2.1 or 2.2 of the Code.

The Board considered that whilst the advertisement is directed to children and is for a children’s product, the advertisement did not contravene the provisions of the Children’s Code.

The Board determined that the advertisement complied with all sections of the Food and Beverages Code.

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