



ADVERTISING  
STANDARDS  
BUREAU

Level 2, 97 Northbourne Avenue, Turner ACT 2612  
Ph (02) 6173 1500 | Fax (02) 6262 9833  
[www.adstandards.com.au](http://www.adstandards.com.au)  
ACN 084 452 666

## Case Report

1	Case Number	0075/14
2	Advertiser	Lion
3	Product	Food and Beverages
4	Type of Advertisement / media	Internet
5	Date of Determination	09/04/2014
6	DETERMINATION	Dismissed

### ISSUES RAISED

RCMI 1.1 - Advertising Message AFGC - Advertising Message

### DESCRIPTION OF THE ADVERTISEMENT

Please refer to <http://www.yogoalley.com.au> to view the website (the Website) that is the subject of the complaint. The Website, which has been active since 2004, provides details about two YoGo products (including nutritional information) and also includes an online games portal for children of all ages. Users can navigate around the 'world' and interact with the animals and environment within that world. Users can also play online games via the games tab or by clicking on the game logos around the site.

### THE COMPLAINT

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

*We refer to our complaint in 2012 and the determination 0196/12 and ask that you now look at the Yogoalley website under the Responsible Children's Marketing Initiative adopted 1st January 2014. In the determination 0196/12 it was stated that the RCMI did not apply as the website was a third party website. However under the 2014 RCMI this website would be considered media.*

*We would like to reiterate that the website is a marketing communications targeted to children as backed up on the site's "About Yogo Alley" page which says "It is an exciting area online for kids to interact with and play games, create a profile and earn YoGold". The overall appearance of the site, using simple countrysides as the backdrop, cartoon characters, prompts from the yo-gorilla to "edit your yo-vatar" shows the site is targeted to children rather than serious adult gamers. Some of the activities such as creating Christmas*

*cards are particularly child-targeted.*

*The advertising does not positively encourage either good dietary habits or physical activity. The ability to achieve awards and the ability to override the message that the player has been using the site for 30 minutes discourages children to participate in real physical activity.*

*Although the dairy dessert portrayed in "the products" section passes the criteria in Lion's Action Plan under the RCMI there are other Yogo products which do not meet the 'healthy choices' criteria and these would be associated with the Yogo brand and this website.*

*In summary, this advertisement is primarily directed to children and does not promote good dietary habits or physical activity. This website contravenes prevailing community standards because it engages children in an advertisement for product in a manner that children would not be aware of as advertising and so exploits their vulnerabilities in order to sell product.*

## **THE ADVERTISER'S RESPONSE**

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

*We refer to your letter regarding the complaint to the Advertising Standards Bureau (ASB) received about the YoGo Alley website. We have considered the complaint and, for the reasons set out below, submit that the complaint should be dismissed.*

*YoGo Alley*

*Please refer to <http://www.yogoalley.com.au> to view the website (the Website) that is the subject of the complaint. The Website, which has been active since 2004, provides details about two YoGo products (including nutritional information) and also includes an online games portal for children of all ages. Users can navigate around the „world? and interact with the animals and environment within that world. Users can also play online games via the games tab or by clicking on the game logos around the site. The Website is presently managed on Lion's behalf by The White Agency.*

### *The complaint*

*The complaint alleges that the Website "does not positively encourage either good dietary habits or physical activity." The ASB has therefore raised this issue under Section 2 of the AANA Code of Ethics (Code of Ethics), which incorporates the AANA Code for Marketing Communications to Children (Marketing to Children Code) and the AANA Food and Beverages Marketing and Communications Code (Food and Beverages Code).*

*The Marketing to Children Code (at clause 2.15(a)) requires that advertising or marketing communications to children "must neither encourage nor promote an inactive lifestyle or unhealthy eating or drinking habits". Clause 2.15(b) of that Code requires such advertising or communications to also comply with the Food and Beverages Code which, at clause 2.2, states that advertising or marketing communications for food must not "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". Similarly, clause 3.3 of the Food and Beverages Code requires that such advertising must "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."*

*The complaint also alleges that Lion is non-compliant with the AFGC Responsible Children's Marketing Initiative (AFGC Initiative), to which we are a signatory. We note that the 2014 edition of the AFGC Initiative defines medium as "television, radio, print, cinema, internet sites", which now includes the advertiser's own website. The AFGC Initiative states at S1.1 that:*

*"Advertising and Marketing Communications to Children for food and/or beverages must: (a) represent healthier dietary choices, consistent with established scientific or Australian government standards, as detailed in Signatories' Company Action Plan; and (b) reference, or be in the context of, a healthy lifestyle, designed to appeal to Children through messaging that encourages: good dietary habits, consistent with established scientific or government standards; and physical activity.*

*The AFGC Initiative also states, in relation to "Use of Products in Interactive Games", that "Signatories must ensure that any interactive game directed primarily to Children which includes the Signatory's food and/or beverage products is consistent with S1.1" (extracted above).*

*This letter sets out why we consider that the Website does not breach the AANA Codes or the AFGC Initiative.*

#### *Addressing the complaint*

*We consider this complaint to be without merit for the following reasons:*

##### *A. The AFGC Initiative*

*1. The threshold requirement for advertising or marketing food products to children is that they must represent healthy dietary choices, consistent with established scientific or Australian government standards. Lion determines which of its products represent healthy choices by reference to school canteen nutrition policies and the Dietary Guidelines for Children and Adolescents in Australia. Lion understands its positive obligation to ensure that its advertisements and websites encourage good dietary habits and physical activity. YoGo products are dairy snacks which represent one amongst a choice of snacks for consumption by children and are formulated to be a relatively healthy choice being milk based with no artificial colours, flavours or preservatives. The only dairy snacks that are featured on the Website are the YoGo Choc Rock 12x100g and Triple Trek 12x100g products. These products comply with the school canteen nutrition policies and the Dietary Guidelines for Children and Adolescents in Australia, and in this regard we note:*

*a) Contain 3g of fat per 100g, so are considered low fat;*

*b) In terms of sugar, actually contain less than, or similar amounts of sugar as, that of an everyday sweetened yoghurt; and*

*c) Are a natural source of calcium, contain the goodness of milk and essential nutrients and are low GI (Glycemic Index).*

*In accordance with the National and State based canteen nutrition policies, these two Yogo products would be considered „green? because of their low sugar and fat content. Further, in*

*decision 0044/12, the ASB determined that certain Unilever Paddle Pop products were healthy choices and we submit that consistent with that decision our YoGo products are clearly healthy choices too.*

*2. Having met this threshold requirement, the AFGC Initiative requires that our Website in promoting the YoGo products in question must reference, or be in the context of, a healthy lifestyle, designed to appeal to the audience through messaging that encourages:*

*a) Good dietary habits, consistent with established scientific or government criteria; and*

*b) Physical activity.*

*3. The Website actively encourages the consumption of YoGo as part of a nutritionally balanced diet. For example:*

*a) YoGorilla is a proponent of healthy eating and, as stated above, communicates this important message to children with the following statement „Yo - be active and eat YoGo as part of a balanced diet. Click here for more’ (depicted at Annexure A). Users cannot avoid this prominent message on the 'Products' section of the Website;*

*b) We openly display the nutritional characteristics of the two products that we do display on the Website so that the sugar and fat content is clearly disclosed (see <http://www.yogoalley.com.au/#/products/nutrition/>); and*

*c) the Website contains a „Healthy Living? section (<http://www.yogoalley.com.au/#/products/beactive/>) (Healthy Living Section), which discusses the importance of a balanced diet. This encourages users to ensure that their diet contains plenty of fruit and vegetables, wholegrain breads and cereals, at least 3 serves of dairy every day and lean meats and oily fish.*

*4. The Website promotes an active lifestyle. For example:*

*a) YoGorilla is a character on the Website that we consider resonates strongly with children of all ages. YoGorrilla is found in the bottom left hand corner of the "Products? page at <http://www.yogoalley.com.au/#/products/>. YoGorilla is wearing sports-gear and is positioned under the following statement: ‘Yo - be active and eat YoGo as part of a balance diet. Click here for more’*

*b) the Website contains the Healthy Living Section, which discusses the importance physical activity. This section recommends 60 minutes of activity for children a day and encourages activities such as football, netball and dance;*

*c) YogoAlley "world? is a bright space, containing wildlife, and outdoor images including lakes, beaches, snow, volcanoes and green expanses. Images of children playing outside are also prevalent. We consider this to be a further aspect of the site that promotes a healthy outdoor lifestyle to users of the site; and*

*d) Unlike the advertisements in decisions 0144/13 and 0180/13, the Website features characters participating in physical activity. Moreover, there are both visual and textual*

*references to children taking part in physical activity.*

*5. There are also measures built in to the Website to discourage extended participation in the online games that are available to children on the site. We believe this contradicts the complaint that our Website “discourages children to participate in real physical activity”. For example:*

*a) A message will interrupt a user where they have been on the site for 30 minutes. This message states: “Break Time! ‘Yo – You’ve been playing for 30 mins now. Might be time for a break?? This message continues to pop-up after each interval of 30 minutes that a user spends on the site; and*

*b) The Healthy Living Section provides the guidance that „screen time’ spent on computer games or watching TV should be less than 2 hours a day, and that kids should take regular breaks during this period.*

*6. The Website only refers to the Choc Rock and Triple Trek products. No other products or variants are listed or depicted on the site, and we do not operate any other website that promotes those YoGo products which do not comply with the school canteen nutrition policies or the Dietary Guidelines for Children and Adolescents in Australia.*

*Companies that offer a range of products under a brand, such as McDonald's or Coca Cola, are free to run print and television advertisements that only focus on one or two products. An advertisement for the McDonald's salad range would not be taken to promote the McDonald's burger range. An advertisement for Coca Cola's diet beverages would not be taken to promote Coca Cola's non-diet beverages. Likewise, a website can advertise one or two products under a brand without promoting all of the products offered by that brand. On this basis, we submit that the Website should not be construed as promoting all YoGo products.*

*7. The AFGC Initiative also requires that food products are only incorporated in an interactive game if it "incorporates or is consistent with healthy dietary choices and healthy lifestyle messaging". The games are only accessed through a website which encourages and promotes healthy dietary choices and a healthy lifestyle and the games themselves contain nothing that is not consistent with that messaging.*

#### *B. The AANA Codes*

*1. We submit that there is nothing in the Website content that encourages excess consumption in breach of clause 2.2 of the Food and Beverages Code. These clauses refer to such encouragement through the representation of products or portion sizes disproportionate to the setting/s portrayed or by other means that are contrary to prevailing community standards.*

*The Website includes, at the products page, a representation of the standard pack sizes of the two YoGo products involved, which appear nearby a depiction of YoGorilla saying "yo, be active and eat YoGo as part of a balanced diet" with a link through to a page with tips for healthy living. There is no express encouragement to excessively consume YoGo products, nor implied encouragement through showing portions or pack sizes that are somehow disproportionate. We note that the tubs come in 100gram packs which is consistent with this message.*

*Indeed, the product representations are in a context that encourages a balanced diet which would not include excessive consumption of snacks. As the ASB held in 0237/13, the advertising of a snack is not, of itself, something which is contrary to prevailing community standards.*

*2. Similarly, we submit there is nothing in the Website content that encourages excess*

*consumption in breach of clause 3.2 of the Marketing to Children Code for the reasons outlined at B1 above. Contrary to the complaint's allegation that the Website "exploits [children's] vulnerabilities in order to sell product", we submit that the Website clearly conveys multiple messages that children should consume a nutritionally balanced diet and maintain a healthy lifestyle.*

*3. Clause 2.2 of the Food and Beverages Code also prohibits food advertising and marketing from undermining "the importance of healthy or active lifestyles [or] the promotion of healthy balanced diets". The Website, far from undermining these things, actively promotes a healthy lifestyle and balanced diet as set out at A3 and 4 above. As the ASB noted in 0179/13, the "consumption of a snack product is not itself encouraging or promoting unhealthy eating habits".*

*4. Clause 2.15(a) of the Marketing to Children Code requires that marketing communications to children such as the Website "must neither encourage nor promote an inactive lifestyle or unhealthy eating or drinking habits". To the contrary, for the reasons set out at A3 and 4 above the Website encourages an active lifestyle and healthy eating habits.*

### *C. Further Submissions*

*1. The Website was the subject of a similar complaint by the same complainant in 2012 (see 0196/12). In that decision, the ASB found that the Website did not breach clause 2.15 of the Marketing to Children Code by encouraging or promoting an inactive lifestyle or unhealthy eating habits as the Website is "indicative and supportive of the idea that YoGo would be best consumed as a snack rather than as the entire meal or that it should be consumed in excess". The ASB also accepted that there were "measures in place to ensure that players were not spending excessive amounts of time on the site and to encourage a change in activity". Furthermore, the ASB held that "consistent with previous decisions...the advertisement of a product of a particular nutritional profile is not of itself contrary to prevailing community standards."*

*2. Lion is actively concerned about ensuring that it sends acceptable messages to children. We are well aware of our obligations under the AANA Codes and the AFGC Initiative and we aim for best practice in this regard. In August 2011, the Website was audited to ensure compliance with these instruments, as well as our own internal policies and high standards on this matter.*

*3. Lion also appreciates that excess time in front of television, computer, tablet and smartphone screens gives rise to potential health issues for children. However, we submit that few of the many other games or programmes that children can choose to view or play will give the same level of encouragement and reminders to engage in physical activity that Lion's YoGoAlley games do.*

*4. To become a member of the YogoAlley, the site requires an email address and password. When signing up, users that are Under 18 are directed to "make sure your parent(s) or guardians have seen the privacy statement and are OK for you to sign up." The sign-up page was created with the intent that some parental/guardian assistance would be involved with this process where it involves children.*

### *Conclusion*

*In view of the above, we consider that the complaint should not be upheld.*

## **THE DETERMINATION**

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

The Board noted the complainant's concern that the advertisement breaches the RCMI because it appeared in media directed primarily to children, is an advertisement directed primarily to children and because there are some Yogo products that do not represent a healthy dietary choice which are associated with the brand.

The Board noted that it had previously dismissed complaints regarding the same website for Lion (0196/12) however the RCMI did not apply at the date of the consideration.

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

The Board firstly considered whether the advertisement met the requirements of the AFGC RCMI. The Board noted that previously under the AFGC RCMI the advertiser's own website did not fall within the a category that could be considered by the Board. However, changes to the RCMI effective from 1 January 2014 has broadened its coverage to include these sites and therefore 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.

Medium is defined as: 'Television, radio, print, cinema, internet sites'.

The Board noted that the medium the subject of complaint includes the entire website, including interactive games, and that this now falls within the scope of the AFGC RCMI.

The Board noted the Initiative provides that advertising or marketing communication activities are advertising or marketing communications to children and therefore captured under the RCMI Initiative if:

1. the content of the advertisement or marketing communication is, having regard to the theme, visuals and language used, are directed primarily to children (and are for food and/or beverage products; or
2. the placement of the advertisement or marketing communication is in a medium that is directed primarily to children, ie:
  - a. in relation to television, all C and P rated programs and other rated programs that are directly primarily to children through their themes, visuals and language; and/or
  - b. where children represent 35 percent or more of the audience of the Medium.

The Board noted Core Principle 1.3 which states:

‘Signatories must ensure that any interactive game directed primarily to children which includes the signatory’s food and /or beverage products is consistent with s1.1.’

The Board noted that s1.3 requires that the Board consider whether the ‘communication activities are, regardless of the audience, clearly directed primarily to children under 12’.

The Board considered the theme, content and visuals of the website and inclusive interactive games. The Board noted the dictionary definition of ‘primarily’ is ‘in the first place’ and that to be within the AFGC RCMI the Board must find that the advertisement is aimed in the first instance at children. The Board considered the theme of the advertisement (playing interactive games throughout YoGo Alley), the visuals (following along with the YoGorilla) and the language used (character animation in connection with text encouraging play of the games).

The Board noted that the advertisement is featured on the advertiser’s website page for YogoAlley ([www.yogoalley.com.au](http://www.yogoalley.com.au)). The Board noted that the website includes interactive games that involve different themes such as dancing, racing and slalom.

The Board noted that the website gives log on instructions to a parent and requires a date of birth to be entered which suggests that a child should log in and play under parental supervision. The Board considered that this ‘age gating’ is good practice but does not, in this instance affect whether or not the interactive game is directed primarily to children.

The Board considered that the website is clearly directed primarily to children under 12 and that the first part of s1.3 is satisfied.

The Board noted that the website has a products page that features Yogo product but noted that the entire website features the YoGorilla character and that this factor means that the signatory’s food product brand is included in the interactive games and that it must therefore comply with the second component of s1.3.

The Board noted that as the interactive game is directed primarily to children and includes the signatory’s brand, it must comply with core principle s1.1 of the AFGC RCMI. S1.1 requires that Advertising and Marketing Communications to Children for food and/or beverages must:

a. Represent healthier dietary choices, consistent with established scientific or Australian government standards, as detailed in Signatories’ Company Action Plan;

And

b. Reference, or be in the context of, a healthy lifestyle, designed to appeal to Children through messaging that encourages:

- i. good dietary habits, consistent with established scientific or government standards;  
and
- ii. physical activity

The Board first considered whether the product is a healthy dietary choice.

The Board noted the advertiser’s response that the advertised products that are included on



the website under the products tab ie: YoGo Choc Rock and Triple Trek, do meet the requirements of the company action plan for a healthier dietary choice.

Based on the information provided by the advertiser, the Board also noted that the independent arbiter is required to provide confirmation about the nutritional integrity of the product with regard to whether the product meets the requirements for a healthier dietary choice:

The Board noted the independent arbiter's comments:

“it is the opinion of the Arbiter that the dairy deserts in question represent healthy dietary choices that are consistent with the established standards that Lion indicated they would comply with in their Company Action Plan.....”

On the basis of the confirmation by the Independent Arbiter that the product meets the criteria for a healthier choice product, the Board considered that the product is a healthier dietary choice and is permitted to be advertised to children under 12.

The Board noted the complainant's concern that there are other Yogo products that would not meet the healthier choice criteria but are associated by brand. The Board noted that as these products do not appear on the website, it is beyond the scope of the Initiative and the Board's charter to consider these products as part of the current matter.

The Board then considered whether or not the advertising and/or marketing communication activities, reference, or are in the context of, a healthy lifestyle, designed to appeal to children through messaging that encourages:

Good dietary habits, consistent with established scientific or government standards; and

Physical activity

The Board noted that that requirement is a positive obligation on the advertiser to ensure that the advertisement encourages both good dietary habits and physical activity.

The Board noted the change to the RCMI effective from 1 January 2014 that specifically states that the marketing communication activities reference or are in the context of, a healthy lifestyle, designed to appeal to children (rather than the intended audience) through messaging that encourages:

Good dietary habits, consistent with established scientific or government standards; and

Physical activity

The Board acknowledged that there is considerable difficulty for advertiser's on a website platform to reflect this type of messaging and considered that in this matter there was sufficient information around good dietary habits.

The Board noted that the products page, incorporates an image of the YoGorilla character positioned closely to the statement 'Yo – be active and eat YoGo as part of a balanced diet'. The Board noted that there is a statement recommending that the reader 'be active' and further information available regarding nutrition and physical activity. The Board noted that

the messaging is written in simplified language that could be understood by children.

The Board then considered the issue of physical activity.

A minority of the Board considered that the content of the website with games and infrequent content that specifically encouraged children to take a break or go and do exercise was not sufficient to meet the threshold test of messaging that would encourage physical activity.

However, the Board carefully considered the games and associated material on the site. The Board noted that the activity itself of playing the game on the computer was not a game that required a lot of physical activity per se.

The Board noted the advertiser's response and agreed that there were measures in place to ensure that players were not spending excessive amounts of time on the site and to encourage a change in activity.

The Board considered that the games themselves did not have to include intense physical activity for the player but that the message that the game was delivering was a positive message and a majority of Board considered that the games, the content of the products page and the message that a player has been using the site for 30 minutes was sufficient to meet the threshold test and was considered to include messaging that would encourage physical activity.

The Board also considered the provision of the RCMI relating to "Use of Popular Personalities and Characters". The Board noted the images of the YoGo Gorilla in and around the website and considered that the use of the licensed character in an advertisement which did meet the "Advertising Messaging" requirement of the RCMI was not a breach of the RCMI.

The Board determined that the advertisement did not breach the "Advertising Messaging" and "Use of Popular Personalities and Characters" provisions of the RCMI.

The Board then considered whether the advertisement complied with the AANA Code for Advertising and Marketing Communications to Children. The definition of what is 'advertising and marketing communications to children' in the AANA Children's Code is consistent with the RCMI. For the same reasons noted above, the Board considered that this advertisement is primarily directed to children.

The Board noted that for the provisions of the Children's Code and Part 2 of the AANA Food and Beverages Code to apply the product must also be a children's 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".

The Board noted that it had previously dismissed complaints regarding the website (ref: 0196/12) and noted that in that website was considered under the provisions of the Children's Code as it was considered to be for product.

Consistent with the above, the Board determined that although Yogo Choc Rock and Triple Trek are not only consumed by children, it is a snack that is targeted toward and has principal appeal to Children and accordingly is a Product.

The Board agreed that in this instance the advertisement was directed to children, that the product is of principal appeal to children and therefore that the provisions of the Children's Code and of Part 3 of the AANA Food and Beverages Code are applicable in this case.

The Board considered whether the advertisement complied with Section 2.14(a) of the AANA Code for Advertising and Marketing Communications to Children. Section 2.14(a) states that:

‘Advertising or Marketing Communications to Children for food or beverages must neither encourage nor promote an inactive lifestyle or unhealthy eating or drinking habits.’

The Board determined that promoting the consumption of Yogo Choc Rock and Triple Trek as a dairy snack is not of itself encouraging or promoting unhealthy eating habits and that the advertisement does not promote an inactive lifestyle.

The Board considered that the advertisement did not breach section 2.14(a) of the Children’s Code or any other provision of the Children’s Code.

The Board lastly noted section 2.2 of the Food Code which provides that: ‘advertising or marketing communications for food or beverage product shall not...otherwise contravene Prevailing Community Standards...’

Consistent with previous decisions, the Board considered that the advertisement of a product of a particular nutritional profile is not of itself contrary to prevailing community standards. The Board considered that advertising Yogo Choc Rock and Triple Trek is not something which is contrary to prevailing community standards and that there is nothing contrary to community standards in the manner in which the product is promoted in this particular advertisement.

The Board also noted section 2.2 which states: “the advertising or marketing communication...shall not undermine the importance of healthy or active lifestyles nor the promotion of healthy balanced diets, or encourage what would reasonably be considered 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.”

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.'

‘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.’

Consistent with the matter of 0196/12, the Board noted that the website showed messages regarding eating Yo-go as part of a healthy balanced diet rather than the promotion of the product as an everyday meal option. The Board agreed that this website was indicative and supportive of the idea that Yo-go would best be consumed as a snack rather than as the entire meal or that it should be consumed in excess.

The Board considered that the advertising or promotion of Yogo Choc Rock and Triple Trek is not, per se, inconsistent with or undermining of a balanced diet or healthy lifestyles. The Board also considered that there was nothing in the advertisement which suggested or promoted excess consumption.

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.

The Board determined that the advertisement did not breach Section 2.2 or any other provision of the AANA Food Code.

Finding that the advertisement did not breach the advertising messaging requirements of the AFGC RCMI, the Children’s Code or the Food Code, the Board dismissed the complaint.