



Case Report

1	Case Number	0162/12
2	Advertiser	ABC Sales and Marketing
3	Product	Food and Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	09/05/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

Advertising to Children Code 2.15 Food and beverages

DESCRIPTION OF THE ADVERTISEMENT

A boy and Mamee monster sitting on a park bench. Mamee Monster grabs the post box next to the bench and eats it, then burps up posted letters. Voice over states; "There's only two snacks crunchier than Mamee eating a post box – Mamee monster noodle snacks and Mamee monster rice sticks. The crunchiest snacks ever" The boy eats Mamee snacks and laughs at Monster's antics. Product shot at end.

THE COMPLAINT

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

We believe the ad breaches clause 2.15 (a) of the AANA Code for Advertising & Marketing Communications to Children as it encourages the consumption of unhealthy food.

The advertisement is directed to children as it includes a child the Mamee monster and appeals to a child sense of mischief as seen with the monster consuming the post box and burping afterwards. It was also screened during popular children's programs including multiple programs with a G rating.

Broadcast

This advertisement was shown extensively during February and March 2012. Examples of its broadcast include;

- *Jake & The Never Land Pirates rated G on Channel 7;*
 - o *25th March 6:35 6:43*
 - o *18th March 2012 at 6.45am and 6.53am*

- o 11th March 2012 at 6.35am and 6.53am
- o 4th March 2012 at 6.35am and 6.51am
- Kick Buttowski: Suburban Daredevil rated G on Channel 7;
- o 25th March 6:03 6:22
- o 18th March 2012 at 6.05am and 6.13am
- o 11th March 2012 at 6.05am and 6.13am
- o 4th March 2012 at 6.07am and 6.24am
- o 19th February 2012 at 6.05am and 6.22am
- o 12th February 2012 at 6.05am and 6.13am
- o 5th February 2012 at 6.06am and 6.13am
- Saturday Disney rated G on Channel 7;
- o 24th March 9:14 9:43 10:13 10:47
- o 17th March 2012 at 9.24am 9.45am 9.57am and 10.24am
- o 10th March 2012 at 9.11am 9.22am 10.12am and 10.23am
- o 3rd March 2012 at 9.15am 9.32am 10.02am 10.23am
- o 25th February 2012 at 9.24am 9.30am 9.58am and 10.23am
- o 18th February 2012 at 9.12am 9.29am 10.01am 10.23am
- o 11th February 2012 at 9.20am 9.31am 10.01am 10.24am
- Handy Manny rated G on Channel 7;
- o 31st march 6:37 6:53
- o 24th march 6:25 and 6:43
- o 17th March 2012 at 6.35am and 6.43am
- o 10th March 2012 at 6.37am and 6.51am
- o 3rd March 2012 at 6.33am and 6.51am
- o 25th February 2012 at 6.35am and 6.51am
- o 18th February 2012 at 6.35am and 6.43am
- o 11th February 2012 at 6.33am and 6.44am
- Stitch! rated G on Channel 7;
- o 31st March 6:06 6:26
- o 24th March 6:27
- o 17th March 2012 at 6.13am and 6.19am
- o 10th March 2012 at 6.05am and 6.25am
- o 3rd March 2012 at 6.11am and 6.25am
- o 25th February 2012 at 6.09am and 6.16am
- o 18th February 2012 at 6.08am and 6.18am
- Phineas and Ferb rated G on Channel 7;
- o 26th February 2012 at 6.35am and 6.53am
- o 19th February 2012 at 6.34am and 6.51am
- o 12th February 2012 at 6.34am and 6.45am
- o 5th February 2012 at 6.34am and 6.43am
- Mickey Mouse Clubhouse rated G on Channel 7;
- o 11th February 2012 at 6.06am and 6.22am

Nutrition Information

Cheese rice sticks; per 100g 2000kJ 7.7g protein 23.5g fat 10.4g sat fat 55g CHO 7.8g sugar 8.8g fibre 790mg sodium.

One snack pack = 20g = 400kJ 4.7g fat 2.1g sat fat 1.56g sugar 158mg sodium

BBQ noodle snack; per 100g – 1640kJ 12.3g protein 23.5g fat 11.8g sat fat 60g CHO 1.5g sugar nil fibre 620mg sodium.

One snack pack = 25g = 410kJ 5.9g fat 2.95g sat fat 0.4g sugar 155g sodium.

THE ADVERTISER'S RESPONSE

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

We believe our advert complies with the code 2.15(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.

We believe there are 2 parts to this code, firstly we don't believe the ad in any way encourages or promotes an inactive lifestyle. Secondly we don't believe we are encouraging unhealthy eating, the boy has one packet of Noodle Snacks and is shown only having two bites in the whole ad.

The products in the ad whilst snack foods, do meet the Healthy School Canteen AMBER criteria of the following state government initiatives...

"Fresh Tastes" – N.S.W., "Smart Choices" - Queensland, "Go For Your Life" – Victoria and "Right Bite – South Australia.

The criteria that must be met is as follows...

Energy - 600kJ or less per serve

Saturated Fat – 3g or less per serve

Sodium – 200mg or less per serve

The Mamee Rice Sticks are also registered with FOCiS (see attached certificate) and are also Gluten Free, free from Added MSG, have no artificial colours, flavours or preservatives, are a "good source of fibre" (as prescribed by Food Standards Australia) and are GMO free.

All products featured in the advert are also registered with VSCA as AMBER.

Meeting the criteria and or being registered as described above means that we can be sold in school canteens across Australia on a daily basis and I don't feel we can be classified as an "unhealthy food" given the criteria that we strive to meet.

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 Communications to Children (the Kids Code) and the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code).

The Board noted the complainant's concern that the advertisement is directed to children and encourages the consumption of unhealthy foods.

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

The Board noted that ABC Sales & Marketing are not a signatory of the AFGC RCMI or the QSR Initiative therefore these Initiatives do not apply.

The Board considered the advertisement under 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 "Advertising or Marketing Communications which, having regard to the theme, visuals and language used, are directed primarily to Children and are for Product".

The Board noted that Children means, "children 14 years old or younger" and Product means, "goods, services and/or facilities which are targeted toward and have principle appeal to children."

The Board noted the advertisement features a young boy on a park bench next to a big blue monster character who consumes a post box and belches as the boy giggles next to him.

The Board considered that the theme, visuals and language used in the advertisement would have principal appeal to children.

The Board considered that the Mamee noodle snacks and rice sticks are a product which are targeted toward and would have principal appeal to children.

The Board then considered the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code). The Board 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 considered however, that the scenes shown in the advertisement do not discourage an active lifestyle and that the boy is seen only to eat minimal amounts of the product and has a lunch box next to him that includes an apple in it.

The Board determined that the advertising of a product of particular nutrient profile is not of itself undermining a balanced diet or healthy lifestyle and that the advertisement did not depict or encourage excess consumption and that there was nothing in this advertisement that would amount to the undermining of a balanced diet or healthy lifestyle.

The Board determined that the advertisement did not breach Section 2.2 of the Food Code.

The Board determined that the advertisement did not breach any provisions of the Code.

Finding that the advertisement did not breach the AANA Code of Ethics, Food Code or Kids Code, the Board dismissed the complaint.

