



Ad Standards Community Panel
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Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0174/18
2	Advertiser	Mondelez International
3	Product	Food and Beverages
4	Type of Advertisement / media	Poster
5	Date of Determination	11/04/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

Food and Beverage Code 2.2 - healthy lifestyle / excess consumption
Food and Beverage Code (Children) 3.5 pester power
Advertising to Children Code 2.14 Food and beverages

DESCRIPTION OF THE ADVERTISEMENT

This poster advertisement features Cadbury Easter bunny chocolates and Humpty Dumpty in a grassy field. Text reads 'Gifts to make them hop, skip and jump this Easter'.

THE COMPLAINT

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

We are currently experience a childhood (and adult) obesity epidemic - this poster is contributing to this epidemic. This poster uses colourful images, a cartoon Humpty Dumpty and cute chocolate bunnies that would predominately get the attention of children. These products are not regarded as healthy options therefore should not be marketed to children. This ad would predominately appeal to children and get them to pester their caregivers to buy.

THE ADVERTISER'S RESPONSE





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

Thank you for providing us with the opportunity to respond to the complaint regarding the Cadbury out-of-home Easter creative.

As one of Australia's largest food manufacturers and advertisers, Mondelez International (MDLZ) takes every step to ensure the marketing and advertising of its products is done responsibly and appropriately.

The complainant has raised a number of issues that fall within the Australian Association of National Advertisers (AANA) Advertiser Code of Ethics, AANA Code For Marketing & Advertising Communications To Children and AANA Food & Beverages: Advertising & Marketing Communications Code (together the "AANA Codes").

MDLZ has an internal policy commitment not to advertise its products to audiences where 35 per cent or more are children under the age of 12 years and all of marketing briefs reflect this. We ensure that this policy is shared and understood by all advertising agencies prior to the commencement of any marketing activity.

We have reviewed the creative and placement of the out-of-home Cadbury Easter campaign and believe that the creative and its placement is consistent with the principles outlined in the AANA Codes and our company's strict internal policies.

Our responses to the complaint are as follows:

1. Data insights and location

1.1 Target audience for the creative in question is largely adults

Prior to selecting locations for out-of-home creatives, our marketing team provides strict instructions to advertising agencies in relation to a number of factors, including the proximity to our desired target audience. Our objective is to always advertise to primary shoppers.

The locations chosen as part of our 2018 Easter campaign, including the location in question, were strategically chosen based on the likelihood of achieving high amounts of adult foot traffic consistent with Prevailing Community Standards and our own internal policy. Upon review, all creatives located on William Street, Sydney were situated in areas of predominately high adult foot traffic. This is emphasised by the creative's proximity to office buildings and its position in the heart of Sydney's CBD. We also note that there were no schools, kindergartens or childcare centres within close proximity of both bus shelters where the creatives were located.



2. Language used

2.1 The language used in the creative targets parents and primary shoppers

The creative in question (please see attached), clearly indicates our commitment to speaking to parents in our advertising. The text states “gifts to make them hop, skip and jump this Easter.” -- “them” indicating that we are talking to the main grocery buyer or parents. Parents are the main purchaser of chocolate around Easter and our creative acknowledges and appeals to this custom.

2.2 References to the terms “hop”, “skip” and “jump” are commonly used around Easter

In the lead up to Easter, the terms “hop”, “skip” and “jump” are frequently used in marketing campaigns (please see below an example.)

After reviewing the language of the creative, we believe that it does not fall within the definition of “Advertising or Marketing Communications to Children,” as defined by section 1 of the AANA Code for Marketing & Advertising Communications to Children Code. The use of the term “them” represents the perspective of our language – a perspective that is primarily held by parents and primary shoppers, not children.

3. Factual representations

3.1 Imagery on creative are product renders, not cartoons.

The complaint states that the images in the creative were “cartoon” animations of the Cadbury Easter Bunny and Humpty Dumpty that would “predominately get the attention of children” and “get them to pester their caregivers to buy.” As you can see in the attached creative, the images used are renders/images of actual products offered for sale and these accurately reflect our 2018 Easter product range.

Our renders are mere representations of our Easter product range, which we believe makes our creative compliant with Section 2.1 and 3.4 of the AANA Food & Beverages: Advertising & Marketing Communications Code as is our intention to depict actual product packaging. While our creative targets parents, not children, it does not in any way undermine parental authority. Our creative truthfully represents our Easter product range, so should not be deemed as misleading or deceptive under the AANA Food & Beverages: Advertising & Marketing Communications Code.

4. Contribution to obesity epidemic

4.1 Advertisements that feature chocolate and references to Easter are prolific in the lead up to Easter

Easter is synonymous with chocolate and advertising our Easter range at this time of



year is not unusual or unwarranted. Our Easter campaign is also consistent with Prevailing Community Standards as to describing to adult shoppers what Easter products are available for sale during the Easter period. Easter is a competitive season for chocolate manufacturers – our creative is focussed on helping primary shoppers to make purchase decisions.

We do not believe that this creative breaches section 2.14 of the AANA Code for Marketing & Advertising Communications to Children, which states that advertising of food and beverages must “neither encourage nor promote an inactive lifestyle or unhealthy eating or drinking habits.” The creative does not advertise overconsumption, it simply advertises selected products from Easter range to adult buyers.

4.2 Our commitment to improving the obesity epidemic

At Mondelez International, we know that people get pleasure from treats and we value this small part we play in our consumers’ wellbeing. However, we also recognise the issue of obesity and that there is more work to be done in this area.

Our goal is to be a global leader in well-being snacks and we’ve set ourselves some ambitious targets to get there. We have internal nutrition standards that guide our product developments, we’ve vastly improved the amount of ‘Better Choice’ options in our portfolio, increased whole-grain content and reduced saturated fat and sodium across all of our products globally including Australia.

We also acknowledge that some of our products are designed to be a treat, so we take a pragmatic approach to being part of the solution: we recommend our products are enjoyed as part of a healthy diet and a balanced, active lifestyle.

In the community, through our Mondelez International Foundation, we’re ramping up efforts to empower families and communities to lead healthier lives by investing in programs to help families make informed food choices, gain access to fresh foods, and get children playing more.

In line with this, last year we announced a three year \$750,000 community partnership with Save the Children Australia. The partnership, titled Healthy Kids, Healthy Communities will provide over 11,500 children in Australia with best practice modules that focus on nutrition education, growing healthy foods and physical activity.

We support the values of the community in which we operate, and our strict Marketing to Children Policy guides our commitment to not market to children in any way that undermines these values.

Again, we thank you for providing us with the opportunity to respond to this



complaint. Mondelez International is committed to ensuring that our products are advertised responsibly and in accordance with the AANA Codes and in this instance, we do not believe our creative appeals to children or promotes overconsumption. We look forward to hearing the outcome of this assessment.

THE DETERMINATION

The Ad Standards Community Panel (the “Panel”) considered whether this advertisement breaches the AANA Code for Advertising and Marketing Communications to Children (the “Children’s 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 (the “AFGC RCMI”).

The Panel noted the complainant's concern that the advertisement is colourful and marketed towards children, and encourages them to pester their caregivers to buy unhealthy options.

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

The Panel noted that this advertisement is a poster located at a bus stop.

The Panel considered whether the advertisement complied with the Children’s Code. The definition of “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 Panel considered the theme, content and visuals of the advertisement. The Panel noted the dictionary definition of ‘primarily’ is ‘in the first place’ and that to be within the Children’s Code, the Panel must find that the advertisement is aimed in the first instance at children under 14.

The Panel noted that the advertisement features an image of two chocolate rabbits and Humpty Dumpty in a green field. The text above states “Gifts to make them hop, skip and jump this Easter”.

The Panel noted the theme of the advertisement. The Panel noted that the theme of chocolate promotion is a theme that appeals to children and the promotion of Easter rabbits and chocolate would be of appeal to children and to adults.

The Panel noted the language of the advertisement. The Panel considered that the language used in the advertisement, specifically the word “them”, is targeted towards adults/parents, rather than children. The Panel considered that the language used



was not child-like or targeted to children.

The Panel noted the visuals of the advertisement. The Panel noted that the colours are bright and are the colours that are recognised as Cadbury colours associated with the brand. The Panel noted the inclusion of chocolate rabbits and Humpty Dumpty and considered that there was a direct reference to Easter as those particular products are not available year round.

The Panel reiterated that it is essential that they consider all elements of the advertisement and to make a decision based on how all of the elements of the advertisement interact, and the overall impression that they make, in determining whether an advertisement is clearly directed primarily to children.

The Panel considered in this case that the advertisement was attractive to a broad audience and was not clearly directed in the first instance to children under 14. The Panel noted that the advertisement had a whimsical feel to it, and considered that that advertisement would be brighter or more animated if it was directed primarily to children.

For the same reasons noted above the Panel considered that this advertisement, considering its overall impact and the theme, visuals and language used are not directed primarily to children. The Panel therefore considered that the AANA Children's Code did not apply.

The Panel then considered whether the advertisement complied with relevant provisions of the Food Code.

The Panel considered section 2.2 of the Food Code 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 Panel noted that the advertised product is a chocolate item. The Panel considered that, consistent with previous decisions (Ferrero 0345/17, Hungry Jacks 282/11, and Mondelez 0550/17), promotion of a product which may have a particular nutritional composition is not, per se, undermining the importance of a healthy balanced lifestyle.

The Panel noted the AANA Food and Beverages Advertising and Marketing Communications Code – Practice Note which provides 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 Panel will consider whether members of the community in the target audience would most likely take a message condoning excess consumption.’ The Panel noted that the advertisement features two dairy milk chocolate rabbits and one dairy milk humpty dumpty. The Panel considered that there is no message promoting the consumption of all of these products as one time.

The Panel considered that the advertisement did not encourage excess consumption. The Panel noted that most children will receive chocolate for Easter, and that the advertisement specifically states “gifts...this Easter”. The Panel noted that the advertisement encourages activity by the use of the words “hop, skip and jump”.

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

The Panel then considered section 3.5 which states: “advertising or marketing communication...shall not include any appeal to Children to urge parents and/or other adults...to buy particular...products for them”.

The Panel considered that the language used in the advertisement, specifically the word “them”, is targeted towards adults/parents, rather than children. The Panel considered that the language used was not child-like or targeted to children nor did it include a specific call to action aimed at children.

The Panel determined that the advertisement did not breach Section 3.5 of the Food Code.

Finding that the advertisement did not breach the Children’s Code or the Food Code the Panel dismissed the complaint.

