



## Case Report

1	Case Number	0225/15
2	Advertiser	Nestle Australia Ltd
3	Product	Food and Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	10/06/2015
6	DETERMINATION	Upheld - Modified or Discontinued

### ISSUES RAISED

Food and Beverage Code 2.1 (a) - Misleading / deceptive

### DESCRIPTION OF THE ADVERTISEMENT

The Advertisement opens on a kitchen with Dad in lycra, dancing while making up a bowl of oats in a breakfast setting. He sets bowls of oats down for wife and daughter while discussing the benefit of oats with milk "Did you know UNCLE TOBYS Oats with milk are naturally rich in protein which helps build muscles... and they're a superfood" with the qualifying on screen super "A 40g serve of UNCLE TOBYS Oats with 2/3 cup of skim milk provides 11.1g of protein."

### THE COMPLAINT

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

*I find this advertisement and its messages to be dishonest and I feel like it is overselling what the product actually is.*

*My first impression of the advertisement was to question why I never knew that oats were high in protein and why I had never seen that claim on oats before. The first time I saw the ad, I missed the clarifying statement at the bottom of the screen. I later went onto You Tube to check the ad and confirm whether I had heard correctly the claim that oats were a protein superfood. I checked the disclaimer on the commercial only to realize that it only becomes a protein superfood if its consumed with milk. I have a box of the oats in my kitchen so I checked the protein content of the box and it said 5.1g per serve. According to the disclaimer that appeared at the bottom of the last shot on the TV ad, oats with milk contains 11.1g of protein. So only about half of the protein in the combination is coming from the oats, and*

*another 5g of protein is coming from the milk. As a person who makes up their oats with water, and uses oats in baking, I thought that this was deceptive.*

*I then watched the commercial again and realised that they had said during the course of the advertisement that it was the oats and the milk that make it naturally rich in protein and that it was a superfood, however, this is not the message given at the end of the ad. I had to go back to review the commercial again to pick up the difference.*

*I thought that to say that something is rich in means it has a decent enough level of protein in the product and 5.1g isn't very much. My protein bar contains about 20g per serve. I also can't understand how the oats can be naturally rich in protein if half of it is coming from the milk. If a food is naturally rich in a nutrient, it shouldn't need another food to increase the content of that nutrient.*

*I was also struck by the use of the word protein superfood. To me, this implies that the oats are a superfood because of their protein content. I would also assume that to qualify as a superfood, you would need to have a decent level of a nutrient in the product and 5g of protein is not particularly high in protein. I believe in this commercial Uncle Toby's have gone out of their way to show oats as being high in protein and they are most definitely not. I found the commercial to be quite confusing, contradictory and deceitful, especially when you consider that you can't assume everyone eats oats with milk.*

*I feel this television commercial tries in more ways than one to imply that oats are high in protein and I believe this commercial has the potential to mislead consumers as it did me.*

## **THE ADVERTISER'S RESPONSE**

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

### *The Complaint*

*We have not restated the full Complaint in this response.*

*The essence of the Complaint is that the Advertisement 'oversells' the UNCLE TOBYS Oats product because certain protein claims made in the Advertisement are based on oats consumed with milk, not on the oats alone or when consumed with water.*

*The Complaint further suggests that oats have insufficient protein when consumed alone to be described as 'rich' in protein or to qualify as a superfood.*

### *Codes Considered*

*In making its submission, CPA has considered the Advertisement in the context of all of the Codes the ASB administers, including the Food & Beverage Advertising & Marketing Communications Code (Food Code) and the AANA Advertiser Code of Ethics (Code of Ethics). Given the nature of the Complaint we have given particular consideration to sections 2.1 and 2.3 of the Food Code which are set out below:*

*2.1: "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 reference to the nutritional values or health benefits.”*

*2.3: “Advertising or Marketing Communications for Food or Beverage Products that include what an Average Consumer, acting reasonably, might interpret as health or nutrition claims shall be supportable by appropriate scientific evidence meeting the requirements of the Australia New Zealand Food Standards Code.”*

*We respond to each of the Complainant’s points below, but wish to state from the outset that CPA considers the Advertisement to comply in all respects with the Food Code and the Code of Ethics, and does not consider the Complaint to be a reasonable interpretation of the Advertisement as presented.*

#### *Overview of the Advertisement*

*The Advertisement opens on a kitchen with Dad making up a bowl of oats in a breakfast setting.*

*MUM: “That’s my husband Tony; he’s just discovered UNCLE TOBYS Oats are a natural source of protein... and that they’re a superfood.”*

*DAD: “Did you know UNCLE TOBYS Oats with milk are naturally rich in protein which helps build muscles... and they’re a superfood.”*

*SUPER: A 40g serve of UNCLE TOBYS Oats with 2/3 cup of skim milk provides 11.1g of protein.*

*DAD: “you can tell I eat them every day.”*

*MUM: “ah so modest.”*

*VO: UNCLE TOBYS Oats. The naturally rich in protein\* superfood, that’s news to some.*

*Super: NATURALLY RICH IN PROTEIN\* SUPERFOOD*

*\*A 40g serve of UNCLE TOBYS Oats with 2/3 cup of skim milk provides 11.1g of protein.*

*In the context of the Complainant’s assertion that it is not clear that certain claims in the Advertisement relate to oats being made with milk, we note that:*

- Dad makes a clear statement that “UNCLE TOBYS Oats with milk are naturally rich in protein” at 12”;*

- The bowl of oats depicted in the Advertisement has been made with milk as confirmed through this VO and through the super; and*

- A super which refers to UNCLE TOBYS Oats made with skim milk appears twice on screen, in a standard font size, for a combined time of 10 seconds which is in line with the best practice guidance provided in the Free TV Classification Handbook, January 2015 Information Sheet – “Producing TVC’s with disclaimer & other on screen text.”*

*We respond to the Complaint below in the context of each of the claims made in the Advertisement.*

*Oats are a natural source of protein*

*A 40g serve of oats on their own are a natural source of protein with 5.1g of protein. The claim that oats are a natural source of protein is valid under both Standard 1.2.7 'Nutrition, Health and Related Claims' and Standard 1.1A.2 'Transitional Standard – Health Claims' of the Australia New Zealand Food Standards Code (Food Standards Code), albeit that we are currently within the 3 year transitional period when suppliers can rely on either Standard to govern the health and nutrition claims made about a food.*

*With respect to Standard 1.1A.2, the Standard to which this product is currently relied upon by CPA, the Standard does not specify a requirement for making a "source", "high" or "rich" in protein claim. However under the most recent prior version of the Food Standards Code, which CPA submits would be considered to apply in these circumstances, the guidance for a protein claim was 5 grams per serve with at least 12 % of the total energy value derived from protein. Both criteria are met in this instance.*

*With respect to Standard 1.2.7, for a food to be a 'source' of protein there must be at least 5g of protein per serve. As a 40g serve of oats contains 5.1g of protein, again, this criteria is met.*

*Oats with milk are naturally rich in protein*

*As stated above, the claims for 'naturally rich in protein' are clearly linked to the oats being made up with milk. This is clear from the statement made by Dad:*

*"Did you know that UNCLE TOBYS Oats with milk are naturally rich in protein?"*

*It is also expressly stated in the super which appears on screen when the claim is made:*

*"A 40g serve of UNCLE TOBYS Oats with 2/3 cup of skim milk provides 11.1g of protein".*

*Both oats and milk are natural sources of protein. Under Standard 1.2.7, a claim for high protein requires a minimum of 10g of protein per serve which is assessed on the food as prepared and consumed according to the instructions provided. This minimum is exceeded with the recommended 40g standard serve size of the oats with 2/3 cup of milk (skim, reduced fat or regular NUTTAB 2010). The claim is valid and capable of substantiation under the Food Standards Code.*

*The Complainant's concern is that a claim of 'naturally rich in protein' is not valid if the oats are prepared with water or used in baking. Whilst CPA agrees with the Complainant that there are different ways to prepare and consume oats (including with water), the claim itself is clearly made in relation to oats made with skim milk. In this respect, we note that the most recent independent consumption study commissioned by CPA of oats indicated that the majority of consumers prepare their oats with skim milk.*

*We also draw the Board's attention to case reports 0128/15 and 0280/12 concerning complaints regarding calcium and protein claims for MILO when made up with milk. In these*

*decisions, the majority of the Board considered that notwithstanding the potential to consume MILO with foods other than milk, most members of the community would associate MILO with milk and the visuals of the advertisement supported that representation. Based on the most likely interpretation of the advertisement by a reasonable consumer, the Board determined that it was not misleading to make rich in protein claims for MILO with milk.*

*In line with the Board's view in these case reports, CPA ensured that the 'rich in' protein claim in the Advertisement clearly referred to oats being made with skim milk, both through the prominent voice-over and the on-screen text. This preparation is in line with the consumption data which indicates that the majority of consumers prepare their oats with skim milk, and in CPA's view is an appropriate communication of the claim to a reasonable consumer.*

*In assessing the level of protein that would be properly considered a 'rich source of protein' the Complaint makes a comparative reference to a protein bar providing 20g of protein per serve.*

*Protein bars are specially formulated supplementary foods which are designed purposely to assist athletes in achieving specific nutritional or performance goals. These products are governed under Standard 2.9.4 of the Food Standards Code "Formulated Supplementary Sports Foods" and are not intended for general consumption given their higher nutritional content. They also have specific regulatory requirements in line with this positioning. These products are not an appropriate point of reference for a general food (such as a breakfast cereal) to assess whether that general food is rich in protein. As stated in the Advertisement, a serve of oats with milk provides 11.1g of protein which is 22% of the RDI for protein. The claim 'rich in protein' for oats with skim milk is accurate.*

*Oats are a Superfood*

*'Superfood' is a descriptor commonly used in the marketing of 'whole' food products that may be considered to be nutrient dense or offer particular benefits. The Macquarie dictionary defines a superfood as:*

*"a food with such a high concentration of nutrients, especially of vitamins and minerals, that only a small amount has to be consumed in order to gain the health benefits thought to be associated, as the release of antioxidants, etc."*

*The superfood descriptor has been used in relation to foods with strong nutrient credentials such as walnuts, broccoli, red capsicum, Atlantic salmon, and oats.*

*The term 'superfood' is not defined under the Foods Standard Code and, in CPA's view, is reasonably commonly used in Australia for the marketing of appropriate foods.*

*UNCLE TOBYS Oats have made the reference on packaging and in marketing of the product since 2013.*

*In making the superfood reference for UNCLE TOBYS Oats, CPA considered both the dense nutrition provided by a serve of oats and the reasonable consumer's understanding of the term. In particular:*

- *Oats are a natural source of protein, as outlined above. This contributes to a range of benefits which are recognised as general level health claims for foods containing over 5g of protein per serve, including tissue building and repair, the normal development and maintenance of bones, and contributing to the growth and development of muscle mass.*
- *Oats are naturally rich in a fibre called beta-glucan, which helps to lower blood cholesterol. This has been recognised as a key benefit of food containing beta-glucan and is a permitted high level health claim introduced under new Standard 1.2.7 where the diet is low in saturated fatty acids and contains 3g of beta-glucan per day.*
- *Oats are a natural source of energy.*
- *Oats are a wholegrain which means they contain all three layers of the edible grain (bran, endosperm and germ) and provide the benefits of the natural vitamins and minerals found in the whole oat grain. A 40g serve of oats provides over 80% of the recommended daily intake of wholegrain.*
- *Oats are low in sodium and minimally processed.*
- *UNCLE TOBYS Oats achieve a 5 star rating, the highest rating that can be achieved. The Health Star Rating is a front-of-pack labelling system that rates the overall nutritional profile of packaged food and assigns it a rating from ½ a star to 5 stars.*

*This is not a complete summary of all of the nutrient properties or potential benefits of oats, but in the context of the Advertisement CPA considers it more than adequate substantiation and in line with reasonable consumer expectation of the term 'superfood'.*

*Oats when prepared with skim milk helps build muscles*

*The Complainant does not specifically reference this claim in the Complaint. For completeness however we note that the both the protein in a serve of oats (5.1g) and the protein in a serve of oats consumed with skim milk (11.1g) is sufficient to meet the requirements for the appropriate nutrition content claim regarding protein, and that it is permissible to make a claim to the effect that the food contributes to the growth or maintenance of muscle mass under Standard 1.2.7 of the Food Standards Code.*

*Code of Ethics and Children's Code*

*As requested by the ASB we have reviewed the Advertisement in line with the Code of Ethics, and consider it to be fully compliant.*

*The Advertisement is not directed to children and the audience of the programs in which the Advertisement appears is not predominantly children. The Children's Code and the RCMI are therefore not applicable to the Advertisement.*

*Summary*

*CPA prides itself on selling products which are nutritious and contribute to a balanced diet.*

*The claims in the Advertisement regarding the protein content of oats as a food and oats*

*prepared with skim milk are appropriate for the product and supported by appropriate scientific evidence.*

*For those claims linked to the preparation of oats with skim milk, the basis of the claim is clearly depicted in the Advertisement through visual references, the voice-over and the on-screen super. We do not consider it reasonable to suggest that the product is 'oversold' because certain of the protein claims are not applicable to oats when consumed with water or in baking.*

*In light of all of the information set out above, CPA is firmly of the view that the Advertisement complies with the relevant Codes including the Food Code and Code of Ethics, and respectfully requests that the Complaint is dismissed.*

## **THE DETERMINATION**

The Advertising Standards Board ("the Board") considered whether this advertisement breaches the AANA Food and Beverages Advertising and Marketing Communications Code (the "Food Code?").

The Board noted the complainant's concerns that the advertisement is confusing and misleading in its suggestion that Oats are high in protein.

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

The Board noted that the advertiser is a signatory of the AFGC RCMI but that the complaint does not raise any issues under that Industry Initiative.

The Board noted that the product advertised is food and therefore the provisions of the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code) apply.

In particular the Board considered Section 2.1 of the Food Code which provides: 'Advertising or marketing communications for food ...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 the advertisement features a husband, wife and daughter in the kitchen/dining area of a home and the husband is dressed in cycling gear, preparing oats for breakfast. The wife talks to the camera about how her husband has just discovered the nutritional qualities of oats. The voiceover and final screen shot of the advertisement reinforces the nutritional content specifically in relation to the protein levels of oats and the text reads: "naturally rich in protein superfood." A small disclaimer states "a 40g serve of Uncle Tobys Oats with 2/3 cups of skim milk provides 11.1g of protein."

The Board noted the complainant's concern that the advertisement refers to Oats as 'naturally rich in protein and are a 'superfood' and that this is misleading.

The Board noted the advertiser's response that the advertisement makes reference to 'oats with milk' and not just 'oats' and that the product is shown as being made with milk according to the serving suggestion on the product's packaging.

The Board noted that it had previously considered a similar advertisement for 'Milo' that made claims about the protein content of the product. In that case (0128/15) the Board considered that "...notwithstanding the potential to use the product with foods other than

milk, most members of the community would associate Milo with milk and the visuals of the advertisement support this interpretation by showing many different scenes of the Milo product being prepared with milk. The majority of the Board considered that the most likely interpretation of the advertisement by a reasonable consumer would be that a Milo drink made according to the serving suggestion on the product's packaging would be a beverage that is rich in protein and, in the Board's view, this message is not misleading or deceptive." In assessing the current advertisement's claim regarding the consumption of oats, the Board considered that the advertised product is a breakfast cereal and noted that while many consumers will prepare their oats with milk, in the Board's view it is likely that some people prepare their oats with products other than milk, such as water.

The Board noted the references to the oats and their nutritional content as described by the characters and the voiceover and also considered the Practice Note to the Food Code which describes the test the Board should apply in considering whether an advertisement meets clause 2.1 of the Food Code:

The Board will not attempt to apply legal tests in its determination of whether advertisements are truthful and honest, designed to mislead or deceive, or otherwise contravene prevailing community standards in the areas of concern to this Code.

In testing the requirement that an advertising or marketing communication should not be designed to be misleading or deceptive, or otherwise contravene prevailing community standards, the Board will consider the advertiser's stated intention, but may also consider, regardless of stated intent, that an advertisement is by design misleading or deceptive, or otherwise contravenes prevailing community standards in particular regard to stated health, nutrition and ingredient components of the food or beverage product.

Thus, an advertising or marketing communication may make reference to one or more of the nutritional values or health benefits of a product but such references must be accurate and appropriate to the level of understanding of the target audience, and must not misleadingly represent the overall nutritional or health benefits of the product.

The Board noted that the wife states that her husband has "...just discovered that Uncle Tobys Oats are a natural source of protein and are a superfood..."

The Board noted the advertiser's response that a serve of oats by itself contains 5.1g of protein and can therefore be referred to as a source of protein (Australian New Zealand Food Standards Code, 1.2.7, October 2014) (the Food Standards Code) and that the reference to the product as a natural source of protein is correct.

The Board then considered the reference to the product as a superfood. In the absence of a definition of a superfood within the Food Standards Code, the Board considered the definition provided by the advertiser and from the Macquarie Dictionary. This defines a superfood as "a food with such a high concentration of nutrients, especially of vitamins and minerals, that only a small amount has to be consumed in order to gain the health benefits thought to be associated with that specific food."

The Board noted that the use of the term 'superfood' is a relatively new term and that there is a changing list of foods that are identified as being superfoods. The Board noted that there are no specific scientific criteria to be met when measuring whether a particular food meets the definition. The Board considered however, that most members of the community would understand the word superfood to mean a food type or ingredient that is of a reasonable nutritional benefit without needing to consume unrealistic amounts of the product.

The Board considered that the term is somewhat imprecise but that most reasonable consumers would appreciate that oats are a good nutritional choice and therefore considered that the use of the term superfood was not misleading or deceptive.

The Board then noted the information stated by the husband (in connection with the on screen disclaimer) that says that "...Uncle Tobys oats with milk are naturally rich in protein..."



The Board noted the advertiser's information that by adding skim milk to Oats the protein content of the product as consumed is increased to 11.1g. The Board noted that there is no standard in the Food Standards Code which specifically addresses the use of the term 'rich' in relation to a particular nutrient but noted that in order to make a "good source of" claim, the food needs to contain at least 10g of protein per serving and higher levels of protein again in order to make an "increased" claim.

It was noted that the advertiser provided further information relating to the use of synonyms and noted that as part of the initial assessment documentation for the development of Standards 1.2.7 (P293, 2004) synonyms were proposed. However, as this has not as yet led to the inclusion of a list of acceptable synonyms, the Board could not make a decision relating to the use of the term 'rich' in this advertisement in respect of the Food Standards Code.

In the absence of a measure for 'rich' within the Food Standards Code, the Board considered the definition provided by the advertiser and from the Macquarie Dictionary. This defines rich as "having a large quantity of something specified: rich in minerals."

In comparison to the consideration of 'superfood' referenced above, the Board considered that the definition of 'rich' is more measurable and that most reasonable consumers would expect that oats as a nutritional choice, have high concentration of nutrients, especially of vitamins and minerals without the addition of milk. However, in this statement by the husband, the 'naturally rich in' description does appear in relatively clear connection with the reference to 'as consumed with milk' and therefore this statement is acceptable.

The Board noted the voiceover at the end of the advertisement states "Uncle Tobys Oats, the naturally rich in protein 'superfood' that's news to some." The Board noted that at the time the voiceover makes this statement there is an on screen shot with two boxes of the product which display the prominent text "Uncle Tobys Oats Naturally rich in Protein Superfood." There is also big text to the right of the packets that reads the same. At this time there is an on screen disclaimer referring to the preparation of the oats with skim milk.

The Board considered that the final information presented as a whole is confusing in that the voiceover uses the terminology 'naturally rich in protein' without qualifying this with a reference to the need for consumption with skim milk. Similarly, as displayed in the advertisement, the product packaging presents the product as 'rich in protein' with the on package information that qualifies this not able to be seen clearly in the advertisement. The Board noted carefully that during these images and the voice over there is an on screen statement that refers to the need for milk but considered that the text is very small and that the most prominent information is the voiceover in conjunction with the on screen is the packaging and text to the right of the cereal boxes.

The Board considered that this final and closing part of the advertisement is likely to leave a consumer with the impression that the product itself has a higher level of protein than it does. The Board noted in particular that its role is to apply the view of a reasonable consumer and not apply a legal test. The Board considered that this closing element of the advertisement is misleading as it is most likely to leave a consumer with incorrect information about the protein content of the oats. Based on the above, In the Board's view, the overall tone of the advertisement creates an impression that Oats are naturally rich in protein when they are not and does not make sufficiently clear that the product needs to be combined with milk to achieve the heightened nutritional content of protein. The Board considered that there was sufficient ambiguity between what the characters say and what the final text and voiceover says and that the inconsistent information may mislead consumers into thinking it is the product itself ie: just the oats (without added milk) is 'rich in protein.'

Based on the above, the Board considered that the advertisement was not sufficiently clear about the claims made and determined that the advertisement did not clearly communicate all information including references to nutritional values or health benefits in a manner

appropriate to the level of understanding of the target audience and therefore did breach Section 2.1 of the Food Code.

The Board then considered Section 2.3 of the Food Code which provides: 'Advertising or marketing communications for Food or Beverage Products that include what an Average Consumer, acting reasonably, might interpret as health or nutrition claims shall be supportable by appropriate scientific evidence meeting the requirements of the Australia New Zealand Food Standards Code.'

The Board considered that the references regarding protein in the advertisement would be interpreted as a nutrition content claim. The Board noted that the Practice Note for Section 2.3 provides that the "Board will rely on substantiation provided by the advertiser". The Board considered the advertiser's response including the nutritional content of a 40g serve of Oats prepared with 2/3 cup of skim and noted that this will increase the protein content of the complete meal to the claimed content of 11.1g of protein.

The Board noted that a serve of oats by itself contains 5.1g of protein and can therefore be referred to as a source of protein (Australian New Zealand Food Standards Code, 1.2.7, October 2014).

The Board noted that by adding skim milk the protein content is increased to 11.1g. The Board noted the same standard within the Food Standard Code (Standard 1.2.7) states that in order to make a "good source of" claim, the food needs to contain at least 10g of protein per serving and higher levels of protein again in order to make an "increased" claim.

The Board noted that the standard did not provide specific measurable amounts of protein in order to meet a claim about "rich in protein."

The Board considered that in the absence of specific measured amounts for the descriptor "rich" the advertiser was not required to provide scientific evidence supporting the nutrition claim "naturally rich in protein" and did not breach section 2.3 of the Food Code.

The Board noted that the advertisement also states that Oats are a 'superfood'. In the absence of a definition of a 'superfood' with the Food Standards Code, the Board considered that definition provided by the advertiser and from the Macquarie Dictionary which defines a 'superfood' as "a food with such a high concentration of nutrients, especially of vitamins and minerals, that only a small amount has to be consumed in order to gain the health benefits thought to be associated with that specific food."

The Board noted that the use of the term 'superfood' is a relatively new term and that there is an ever changing list of foods that are identified as being 'superfoods.' The Board noted that there are no specific scientific criteria to be met when measuring whether a particular food meets the definition. The Board considered however, that most members of the community would understand the word 'superfood' to mean a food type or ingredient that is of particular nutritional benefit.

The Board considered that the advertisement did not breach Section 2.3 of the Food Code. Finding that the advertisement did breach section 2.1 the Food Code the Board upheld the complaint.

## **THE ADVERTISER'S RESPONSE TO DETERMINATION**

The intention of this advertisement was to communicate that UNCLE TOBYS oats with milk are a great nutritious option for breakfast, having 5 stars under the Government's Health Star Rating System. A key nutritional benefit of oats is that a serve is a source of protein (5.1g per 40g serve), and when made up with milk is rich in protein, contributing 11.1g of protein per serve. It was never our intention to confuse this messaging, and Cereal Partners Australia (CPA) was disappointed that the ASB found the final shot confuses these 2 protein content claims. Given our research indicated that the majority of consumers do prepare and consume

their oats with skim milk, we felt this was the most appropriate way to communicate about the protein content. For this reason, we were careful to ensure that the 'rich in' claim that related to the protein content of oats with milk was qualified via an on-screen super, the size and placement of which was in accordance with the CAD guidelines, as well as having previously been expressly stated by the 'Husband' in the advertisement.

It is always important to CPA that we communicate clearly and accurately with consumers about our products and their nutritional benefits. In this instance, in light of the ASB's decision, CPA will modify the end frame of the advertisement in the following way:

- Revise the voiceover to state "oats with milk are naturally rich in protein";
  - Increase the size of the qualifier and bold the "with 2/3 cup of skim milk" wording;  
and
1. Remove the text on the right of the screen in the end frame which states "naturally rich in protein superfood."