



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0239/18
2	Advertiser	Kraft Heinz
3	Product	Food and Beverages
4	Type of Advertisement / media	TV - On Demand
5	Date of Determination	23/05/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

Food and Beverage Code 2.1 (b) - Contravenes community standards

2.1 - Discrimination or Vilification Race

2.6 - Health and Safety Bullying (non violent)

DESCRIPTION OF THE ADVERTISEMENT

This TV on demand advertisement features a number of children opening their lunchboxes. Each of the children takes it in turns to complain about their parents giving them unusual lunches which follow modern food trends. The first child has rice crackers with vegetarian toppings on lettuce leaves, which the child describes as “flexitarian”. The second child “Krish” has a small pile of grains, nuts and berries; he sighs and says “another deconstructed muesli bar”. The third child holds up a vegetable which has been cut into a spiral shape, and says “Mum bought a spiralizer”. The children all laugh. One child pulls out a slice of Kraft Singles and says “At least there’s Kraft Singles, hey?”. The advertisement ends with a shot of another child doing a pull up on monkey bars with one hand, and holding a steak in the other hand. The first child calls this “paleo”.

THE COMPLAINT

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



I found it racist and offensive, incitement to racist bullying amongst primary school children.

Content of ad: primary school children comparing lunchboxes - child of Indian appearance and accent has a funny lunch "deconstructed muesli bar". Aussie Anglo appearance kids laugh and open their lunchbox and say "at least there's Easi-Singles". Clear message that it's ok to laugh and poke fun at any child who has a "ethnic" or "unusual" lunch; message to parents is "send Aussie standard food".

Public advertising that appears to facilitate racist bullying is not acceptable.

THE ADVERTISER'S RESPONSE

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

RE: KRAFT SINGLES TELEVISION ADVERTISEMENT (COMPLAINT 0239/18)

We respond to the letter from the Advertising Standards Bureau (Ad Standards) dated 1 May 2018, in which a complaint was made about the Kraft Singles "Keep it Simple, Keep it Singles" television advertisement (the Advertisement).

H.J. Heinz Company Australia Limited (Kraft Heinz) is the author of the Advertisement and the exclusive licensee of the Kraft brand in Australia.

Kraft Heinz denies that the Advertisement in any way portrays racial discrimination or vilification, for the reasons outlined in this letter.

Details of the Advertisement

The Advertisement is set in a primary school playground, where a number of children are seen sitting on benches, opening their lunchboxes to see what they have to eat for lunch. Each of the children takes it in turns to complain about their parents giving them unusual lunches which follow modern food trends. The first child has rice crackers with vegetarian toppings on lettuce leaves, which the child describes as "flexitarian". The second child "Krish" has a small pile of grains, nuts and berries; he sighs and says "another deconstructed muesli bar". The third child holds up a vegetable which has been cut into a spiral shape, and says "Mum bought a spiralizer". The children all laugh. One child pulls out a slice of Kraft Singles and says "At least there's Kraft Singles, hey?". The Advertisement ends with a shot of another child doing a pull up on monkey bars with one hand, and holding a steak in the other hand. The first child calls this "paleo".

In addition to this description, we attach to our response:
a. a copy of the script for the Advertisement; and



b. a digital copy of the Advertisement.

The CAD reference number is W5JYLFDA. The CAD rating is W.

We note for the sake of completeness that the Advertisement was broadcast on television in a full 30-second version, as well as three shortened 15-second versions. We have provided details only of the complete 30-second version, which contains all of the advertised material in full, including the material the subject of this complaint.

The complainant alleges that the Advertisement is “racist and offensive” and that it encourages or incites racist bullying. The complainant has specifically drawn attention to the fact that the Advertisement shows a “child of Indian appearance and accent [who] has a funny lunch”.

Kraft Heinz firmly denies that the Advertisement is in any way racist or offensive. The Advertisement simply makes light-hearted fun of certain modern food trends such as “flexitarian” diets, “spiralizers”, “deconstructed” meals, and “paleo” diets.

These food trends have no connection whatsoever to the race or ethnicity of the children featured in the Advertisement. It is simply not correct to say that a “deconstructed muesli bar” is an “ethnic” lunch. The “deconstructed” food trend is a Western food trend,¹ which has been popularized in Australia through mainstream reality TV shows.

The Advertisement does not single out the child of Indian appearance (“Krish”), or his lunch. The Advertisement depicts children from a variety of different backgrounds, consistent with an ordinary Australian school. Each of the children has an “unusual” lunch, and each of the children complains about their lunch respectively. The children’s laughter relates to the comedy of the situation; and no child is seen to bully or laugh at another child.

The target audience of the Advertisement is grocery buyers with children, and was not broadcast during programmes directed at children. Although it is set in a primary school playground, the Advertisement is not “directed primarily to children”. As such, we consider that the AANA Code of Advertising and Marketing to Children does not apply.

We are not aware of any other matters which warrant comment from us in relation to the AANA Code of Ethics or the AANA Food & Beverages Advertising & Marketing Communications Code.

Please do not hesitate to contact us if you have require any further information.

1 Sometimes also referred to as “molecular gastronomy”, this food trend is often



*attributed to Spanish chef Ferran Adrià and British chef Heston Blumenthal:
https://en.wikipedia.org/wiki/Molecular_gastronomy.*

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 AANA Code of Ethics (the “Code”).

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

The Panel noted the advertisement featured a group of children comparing lunches on the school playground. One boy comments that his mother is ‘flexitarian’, another comments that his lunchbox contains ‘another deconstructed muesli bar’ and a third comments that her mum had bought a spiralizer and holds up a vegetable in a corkscrew shape. One girl comments ‘at least there’s Kraft Singles, hey?’ and she unwraps the cheese slice. At the end of the advertisement a boy is depicted doing a one-handed pull-up on the monkey bars while holding a piece of steak and another child comments ‘Paleo’.

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

The Panel considered 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 Panel noted the complainants’ concern that the advertisement makes fun of healthy lunches in favour of unhealthy cheese slices and that this is a depiction that undermines healthy diets.

The Panel noted the advertiser’s response that makes light-hearted fun of certain modern food trends and does not make fun of healthy eating in general and does not promote their product as being healthy – just convenient and more likely to be eaten by children.

The Panel considered that the lunches featured in the advertisement included modern food trends such as flexitarian, deconstructed meals, spiralizers and paleo, and that these examples were humorous exaggerations of what some parents pack in



their children's lunches.

The Panel noted that these lunches did appear to be examples of healthy lunches, however considered that the overall impression of the advertisement was that the lunches were humorous representations of modern food trends which children found fussy and funny, and were not examples of children rejecting healthy food.

The Panel noted that the end frame of the advertisement depicted the product in a sandwich, accompanied by an apple and grapes and considered that most members of the community would consider this to be a simple, healthy lunch.

The Panel considered that the depiction of children preferring cheese slices over food prepared in accordance with exaggerated and complicated food trends was a depiction which most members of the community would not consider undermines the promotion of healthy balanced diets.

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

The Panel then considered whether the advertisement complied with the requirements of the Children's Code.

To fall within this Code, or Part 3 of the Food Code, "Advertising or Marketing Communications to Children means 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 that the advertisement featured children talking about their lunches and that this was a theme which would be familiar and attractive to children. However, the Panel considered that the modern food trends identified in the advertisement were not something most children would be aware of and considered that this theme would appeal more to an adult audience. The Panel considered that the voice over at the end of the advertisement was directed to parents and the call to action was for parents to buy Kraft Singles to pack in their children's lunches. The Panel considered that cheese slices are a product that would be of equal appeal to adults and children.

The Panel considered that the theme, visuals and language used would appeal to a broad audience and were not directed primarily to children, and that the advertisement was not for a product of principal appeal to children.

The Panel determined that as the advertisement is not directed primarily to Children, the Children's Code and Part 3 of the Food Code do not apply.



The Panel then considered whether the advertisement complied with the requirements of the Code.

The Panel considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.'

The Panel noted the complainants' concern that the advertisement is racist and depicts children making fun of an Indian boy for his 'funny lunch'.

The Panel considered that the advertisement did not depict the Indian boy being picked on or made fun of by his peers, and considered that the relationship between the children was shown as friendly and sympathetic.

The Panel noted that there was a 15 second cut down version of this advertisement which only showed the Indian boy's lunch and the other children laughing, however considered that the overall impression in this advertisement was that the children were laughing at the concept of a deconstructed muesli bar prepared by his parent, and not at the boy.

The Panel considered that the concept of laughing at a 'deconstructed muesli bar' was not linked to any ethnicity but was directed at the parent and the children's reaction to this lunch could not be seen as vilifying of a particular race or ethnicity.

The Panel considered the advertisement did not portray material in a way which discriminates against or vilifies a person on the basis of race and did not breach Section 2.1 of the Code.

The Panel considered Section 2.6 of the Code. Section 2.6 of the Code states: "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety".

The Panel noted the complainants' concern that the advertisement portrayed children being picked on because of the food in their lunchboxes.

The Panel noted that the Practice Note for Section 2.6 of the Code provides: "the age of the people depicted in an advertisement, their relationship to each other and the nature of the communication are relevant in determining whether an advertisement constitutes bullying and is contrary to Prevailing Community Standards."

The Panel considered the children in the advertisement are shown comparing lunchboxes and showing amusement and frustration at the unusual food choices their



parents have packed.

The Panel considered that the laughter in the advertisement is directed towards the parents, and was not directed at the children.

The Panel considered that no child was shown to be upset or distressed by the reaction of their peers and there was no suggestion in the advertisement that any child in particular was being singled out.

The Panel noted that there were a number of 15 second versions of this advertisement which featured either the boy with the deconstructed muesli bar or the boy who has a flexitarian lunch. The Panel considered that the impression in these cut-down versions is still that the children's laughter is directed at the parents' food choices and not at the children themselves.

The Panel considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety regarding bullying and in the Panel's view did not breach Section 2.6 of the Code.

Finding that the advertisement did not breach the Code on any other grounds and did not breach the AANA Food Code or the AANA Children's Code, the Panel dismissed the complaints.

