



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0262/18
2	Advertiser	Gelatissimo
3	Product	Food / Beverages
4	Type of Advertisement / media	Poster
5	Date of Determination	06/06/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

Food and Beverage Code 2.2 - healthy lifestyle / excess consumption
Food and Beverage Code (Children) 3.2 encourage excess consumption
Advertising to Children Code 2.01 Community Standards
Advertising to Children Code 2.09 Competitions
Advertising to Children Code 2.14 Food and beverages

DESCRIPTION OF THE ADVERTISEMENT

This poster advertisement in store features the text "Love-A-Bull", a picture of a gelato cone and a picture of Ferdinand the Bull. The bottom of the poster advertises how to win a Ferdinand home movie pack and competition details.

THE COMPLAINT

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

This poster, icecream and colour-in competition is targeted at children. The poster uses the popular 'Ferdinand' bull from the animated children's movie to entice children. It is bright and colourful and uses child-like language. Gelato covered in sugary sprinkles is not regarded as a healthier choice and there is no link to active lifestyles within the poster. Furthermore the website gelatissimo.com.au also promoted the competition to





children and states that 'these school holidays, we want YOU to be your truest self and enter our Ferdinand colour-in competition!' - small print was only open to 0-12 year olds.

Once they fill in the colour-in competition they can redeem a free scoop with any size gelato purchase which promotes excessive consumption.

This themed icecream using a children's movie, coupled with a competition that is only open to young children who will in turn will get a large icecream and the chance to win Ferdinand prizes is targeted at children therefore in breach of the regulations.

THE ADVERTISER'S RESPONSE

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

Further to the complaint recently raised with us (your reference 0262/18) we would like to comment that we believe the complaint to be harsh and lacking substance.

As a gelato business with a long track record we are always mindful of being respectful and considered with the public. We understand that we operate in the "treat / occasional consumption" space" and we believe that the average consumer is under no misconceptions about the health benefits of our products. That average consumer also knows our products are a treat that one enjoys as part of a balanced diet and that should be consumed in moderation.

In the instance raised as a concern, our offer is a limited time offer (1 month only and is now concluded) for a flavour that partnered with a PG rated movie – Ferdinand, and hence the theme of the promotion was focused on being family friendly.

You requested some further information, which we have provided below and attached:

A description of the advertisement

Instore poster as per the attached image

A copy of the script

N/A

Details of the CAD reference number and CAD rating (where applicable)

N/A

A digital copy of the Advertisement

As attached

Details of the programs in which the advertisement appears

the attached poster was in-store and snippets of it were displayed on our social media



platforms.

*Whether the audience of the programs is predominantly children -
The audience was families who may have watched or were planning on watching the
movie together*

*Substantiation of any health, nutrition or ingredient claims or statements made in the
advertisement*

*There were no claims made and as per food authority requirements we clearly show
the kJ value on the poster.*

*Your comprehensive comments in relation to the complaint (taking into account the
need to address all aspects of the advertising codes:)*

*We do not believe any code was breached. We are in no way making health claims.
The portion size pictured is a single scoop with a kJ value that is very moderate. We
are not promoting an unhealthy or unbalanced lifestyle. We are not recommending
excessive consumption.*

*Details of your advertising agency and media buyer
we have marketing in-house and don't use agencies*

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"), and the AANA Food and Beverages Advertising and Marketing Communications Code (the "Food Code").

The Panel noted the complainant's concern that gelato is not regarded as a healthy choice, there is no link to active lifestyles within the advertisement, the advertisement promotes excessive consumption and the advertisement is targeted towards children.

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

The Panel noted that the advertiser is not a signatory of the Australian Food and Grocery Council's Quick Service Restaurant Industry (AFGC QSRI) Initiative therefore this Initiative does not apply.

The Panel noted the poster advertisement in store features the text "Love-A-Bull", a picture of a gelato cone and a picture of Ferdinand the Bull. The bottom of the poster advertises how to win a Ferdinand home movie pack and competition details.

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 complainant’s concern that the advertisement promotes excessive consumption.

The Panel noted that the advertisement shows a single scoop of gelato in a cone, and that this is not considered to be excessive consumption. The Panel considered that the colouring completion also gives only one scoop per entry.

The Panel considered that there is no imagery or text in the advertisement which is advocating for an unhealthy or inactive lifestyle, and noted that there is imagery on the advertisement stating that there are no artificial colours or flavours in the advertised product.

The Panel considered that the depiction of a single scoop of gelato in a cone, without any promotion of extra scoops or any pressure to buy more was a depiction which most members of the community would not consider undermines the promotion of healthy balanced diets, nor encourage excess consumption.

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 noted the complainant’s concern that the advertisement is targeted towards children.

The Panel considered whether the advertisement is directed primarily to children (14 years or younger). The Panel noted the Practice Note for the Food and Beverages Code which states that whether an advertisement or marketing communication is “directed primarily to children” is an objective test based on several factors including, but not limited to the combination of visual techniques, product and age of characters



and actors. The use of any one factor or technique in the absence of others may not necessarily render the marketing communication “directed primarily to children.”

The Panel considered that the advertisement featured gelato and a reference to the movie Ferdinand and that this was a theme which would be familiar and attractive to children. However, the Panel considered that the gelato is a dessert that is appealing to both adults and children, and considered that Ferdinand is a film based on a 1936 book and is likely to be familiar to adults.

The Panel considered that the pun on the advertisement stating “love-a-bull” is a reference that is unlikely to be understood by children. The Panel noted that the advertisement imagery was not childlike with its plain background, and the text “Home Movie Pack” is aimed at adults rather than children.

The Panel noted that Gelatissimo is a popular restaurant chain selling gelato and considered that while gelato is a product enjoyed by children, the majority of its products are aimed at adults and in the Panel’s view gelato in general is a product enjoyed by all ages and not targeted to children. The Panel considered that the particular flavour advertised was not necessarily of principal appeal to children.

The Panel noted that the advertisement features a simple cartoon character and bright coloured flowers, but considered that the advertisement has a family feel and is not primarily directed to 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.

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

