



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0265-20
2. Advertiser :	Kellogg (Aust.) Pty Ltd
3. Product :	Food/Bev Groceries
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	9-Sep-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AFGC - Responsible Childrens Marketing Initiative\RCMI 1.1 Advertising Message
AANA Food and Beverages Code\4.1 Must comply with RCMI

DESCRIPTION OF ADVERTISEMENT

This television advertisement depicts two children running into a kitchen and getting bowls. The girl realises there is no milk. They are shown riding their bikes and rushing into a store, and then rushing back into their house and stopping when they see their father eating a bowl of Coco Pops and saying he'd just gone and got some milk. The children sigh and laugh. The scene changes to the product Coco Pops White Choc Flavour and the cereal in a bowl.

THE COMPLAINT

The following complaint was made:

REASON FOR CONCERN: Reasons for complaint - the advertisement breaches the RCMI The Obesity Policy Coalition (OPC) submits that the Coco Pops Ad breaches the Responsible Children's Marketing Initiative (RCMI). As a signatory to the RCMI, Kellogg's has committed not to advertise its products to children under 12 years unless those products represent healthier dietary choices AND are in the context of a healthy lifestyle, encouraging good dietary habits and physical activity.

In our submission the advertisement breaches s1.1 of the RCMI because:

- 1. it is an advertising and marketing communication directed primarily to children;*
- 2. the food advertised does not represent a healthier dietary choice; and*
- 3. it does not encourage good dietary habits or physical activity.*



1. *The advertisement is a marketing communication directed primarily to Children Advertising and marketing communication*

The RCMI applies to material that is published or broadcast on television, radio, print, and internet sites. The Coco Pops Ad appears nationally on television.

The Coco Pops Ad is clearly an advertising or marketing communication within the meaning of the RCMI, as it is material published by, or on behalf of, Kellogg's over which it has a reasonable degree of control and that draws the attention of the public in a manner calculated to promote its product (Coco Pops).

Directed primarily to children

Based on the themes, visuals and language used, the advertisement is clearly directed primarily to children.

The OPC argues the following features of the Coco Pops Ad conclusively establish the advertisement is directed primarily to children:

- The advertisement begins and ends with Coco Pops featuring prominently. Coco Pops are a product for children. Kellogg's acknowledge this and on their website, stating that Coco Pops are something 'kids have loved for generations' and suggesting surprising the 'kids with an afternoon treat of Coco Pops White Choc Flavour'.*
- The scenes are depicted from the point of view of the children. Their competitive sibling nature as they race into the kitchen. Their common despair as they discover there is no milk. Their race to the shops in a childish manner, leaving their bikes on the footpath and running in and out of the store. Their shock as they discover their father is already eating Coco Pops when they return home. And their realisation that they did not need to go to the store to get the milk.*
- The playful way the father addresses the children as he realises what has happened, is presented in a way that is understandable for children.*
- The music played in the background is like music played in children's programming where there is a scene full of excitement and drama.*
- The theme of the advertisement – sibling competitiveness and siblings working together all in a playful and upbeat manner.*
- The outcome of the advertisement – the children getting Coco Pops.*
- Children identify with representations of other children, particularly children of their own age, in this case 8-12 year olds.*
- The language used in the advertisement:*
- a colloquial 'hey' is used as the voiceover begins to get kids attention. This is followed up with abbreviated language consistent with children's playground talk 'hold on a sec'.*
- The 'Just like a white choc milkshake, only crunchy!' that closes the ad is also a phrase intended for children. Kellogg's acknowledge this themselves on their website stating that there are few things that take you back to childhood as quickly as the bright yellow box and the jingle of 'just like a chocolate milkshake only crunchy!'*
- The advertisement is primarily directed to children, to encourage them to do whatever they need to do to enable them to eat their Coco Pops.*

2. *The advertisement breaches S1.1 of the RCMI*



The OPC submits that the advertisement breaches S1.1 of the RCMI because:

- *Coco Pops do not represent a healthier dietary choice consistent with established scientific or Australian government standards; and*
- *the advertisement does not sufficiently encourage:*
 - *good dietary habits consistent with established scientific or government standards; AND*
 - *physical activity.*

Coco Pops do not represent a healthier dietary choice

S1.1(a) of the RCMI provides that any food or beverage advertised to children must represent healthier dietary choices consistent with established scientific or Australian government standards, as detailed in Kellogg's Company Action Plan.

Kellogg's Company Action Plan (accessed via the ANAA website:

<https://aana.com.au/wp-content/uploads/2020/06/CAP-Kellogg.pdf>) sets out

Kellogg's commitment in relation to what they will not advertise to children. Kellogg's Company Action Plan states Kellogg's will not advertise foods:

- *that do not represent healthy dietary choices consistent with established scientific standards or Australian Government standards; AND*
- *that do not meet the Kellogg Global Nutrient Criteria.*

Both limbs need to be met for Kellogg's to satisfy their own commitment.

Coco Pops is a high sugar breakfast cereal that has a 2.5 health star rating and is not a healthier dietary choice.

Coco Pops original contains 32.4% sugar and Coco Pops white chocolate 24.6% (most or all from added sugars). Products containing =15g of Total Sugar per 100g are referred to as having a high sugar content by the Australian Government (see How to Understand Food Labels, Eat for Health: <https://www.eatforhealth.gov.au/eating-well/how-understand-food-labels>). The Australian Dietary Guidelines recommend that foods containing added sugar should be limited in the diet. The World Health Organization also supports the limited intake of free sugars, with guidelines regarding the health impacts of sugar consumption recommending daily free sugar intake be reduced to 10% of daily dietary intake and ideally, for the best health outcomes, to 5% (source: World Health Organization 'Guideline: Sugars intake for adults and children'. Geneva, 2015).

Coco Pops do not represent a healthier dietary choice consistent with these scientific or Australian government standards.

The Kellogg's Company Action Plan is also not consistent with these established scientific and Australian government standards (which is a requirement of the RCMI) as the Kellogg's Company Action Plan sets a much lower bar for healthier dietary choices. Kellogg's have conveniently chosen a scientific standard and serving sizes that support their ability to advertise this product to children instead of using international and Australian standards that would hold it to account by actually limiting promotion to healthier dietary choices and not allowing Coco Pops to be advertised to children.



The Kellogg Global Nutrient Criteria sets a limit on sugar of 12g per serve (excluding sugars from dairy and fruit). Coco Pops original and white chocolate both fall under this threshold as Kellogg's has set a serving size of 30g.

A plan that identifies a products with as much as 24.6% or 32.4% sugar (most or all being added sugar) and a Health Star Rating of 2.5 stars as a healthier choice, is not consistent with established scientific or Australian government standards as required by the RCMI. Kellogg's know this and they refer to Coco Pops as a 'treat' on their website in numerous places. Treats are not colloquially known as healthier dietary choices but as items that are higher in sugars, saturated fats, or salt.

Kellogg's Coco Pops do not represent healthier dietary choices under the RCMI. The advertisement does not encourage good dietary habits AND physical activity S1.1(b) of the RCMI provides that any food or beverage advertised to children must also reference, or be in the context of, a healthy lifestyle, designed to appeal to children through messaging that encourages:

- (i) good dietary habits, consistent with established scientific or government standards;*
- AND*
- (ii) physical activity.*

In respect of S1.1(b)(i) - good dietary habits - the advertisement only advertises Coco Pops, an unhealthy dietary choice. There is no messaging encouraging children to eat a healthy diet. Momentary fine print in the first frame of the advertisement is not messaging that reaches the audience and certainly does not encourage any particular kind of behaviour. Equally, the token placement of fruit in the background is not enough to encourage good dietary habits, particularly as no one is seen to consume this. This is not sufficient to meet the good dietary habits requirements of the RCMI. Should the Panel determine that S1.1(a) is satisfied as the Kellogg's Company Action Plan chooses scientific standards that support its own cause, rather than objective ones, this clause S1.1(b)(i) does not reference the company action plan. The Panel is therefore open to, and should, use scientific standards and Australian government standards that promote good health to determine whether the advertisement encourages good dietary habits. For the reasons set out above, international scientific standards and Australian government standards do not classify high sugar breakfast cereals with as much as 24.6% or 32.4% sugar as healthier dietary choices and given the advertisement advertises nothing else it cannot be found to be encouraging good dietary habits consistent with these established scientific or government standards. In respect of S1.1(b)(ii) - physical activity – we acknowledge that the children in the advertisement ride their bikes to the store and that this encourages children to use active transport. However, this limb is cumulative to S1.1.(b)(i) and as this limb is not satisfied, as the advertisement does not encourage good dietary habits, S1.1(b) of the RCMI is not satisfied.

*For these reasons, we do not think that the advertisement meets the RCMI requirement to encourage good dietary habits and physical activity.
Request for action*



For the above reasons, the OPC asks the Panel to request that Kellogg's withdraw the Coco Pops Ad.

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 the opportunity to respond to the Complaint. Set out below is Kellogg's response, together with the information requested at Appendix A and supporting documents. However, at the outset, Kellogg would like to acknowledge that it is committed to adhering to, and promoting advocacy of, the AFGC's Responsible Children's Marketing Initiative and the AANA Codes. We agree that advertisers must act with a high level of social responsibility towards consumers.

The Advertisement

By way of background, the advertisement referred to in the Complaint is a television commercial that advertises Kellogg's Coco Pops cereal and the new White Choc flavour. A link to the advertisement is set out at Appendix A.

The concept behind the advertisement is three-fold: "to humorously remind parents of a familiar competitive family environment", to "appeal to dad's sense of nostalgia" and to "remind parent's that Coco Pops can be a family treat on the weekend, as part of a balanced diet with exercise". The consumer insight behind the advertisement was to show a familiar family weekend moment in a humorous light, and that parents are looking for a weekend treat that a whole family can enjoy as part of a balanced diet with active exercise. In addition, the consumer insight shows dad's love for the iconography of the brand.

The advertisement is set in a family home on the weekend and shows locations in the family's local suburb. It is depicted as the weekend due to the children not being in school uniforms and not rushing to get ready for school. There is ample time to 'race' to the shops to get milk and then time to sit-down and enjoy a balanced family meal with their father. The advertisement features a father and his two children, a brother and sister. The two older children are seen in a competitive light, competing in a bike race to the corner store to buy milk. Once they are back home, they are greeted by their father who announces he had already "... got some milk" – with a smile indicating that he has actually won the competition. The children roll their eyes and laugh. A male voice then states "Hey, wait a sec ... let's try new white choc flavour'. A female voice then says "Just like a white choc milkshake only crunchy" whilst a depiction of the cereal is shown. We can confirm that the female voice was provided by a child actor aged 14 years.

The advertisement portrays Coco Pops being enjoyed as part of a balanced diet and active lifestyle. The children are portrayed undertaking moderate exercise riding their bikes to the shop to get milk, the Coco Pops cereal is clearly shown to be eaten with



healthy foods such as fruit, milk and water and there is also a statement on screen stating "Enjoy as part of a balanced diet and active lifestyle".

Responsible Children's Marketing Initiative

The complaint is made under the Australian Food and Grocery Council Responsible Children's Marketing Initiative (RCMI). The substantive complaint is that the advertisement is a marketing communication directed primarily to children.

Kellogg respectfully submits that the advertising messaging section of the RCMI does not apply in this matter as the advertisement is not directed to children. The RCMI only applies to "marketing communications to children". The relevant definitions in the RCMI are set out below:

Content

Advertising or Marketing Communications which, having regard to the theme, visuals and language used, are directed primarily to Children and are for food and/or beverage products.

Placement

Advertising or Marketing Communications that are placed in Medium that is directed primarily to Children (in relation to television this includes all C and P rated programs and other rated programs that are directed primarily to Children through their themes, visuals and language); and/or where Children represent 35 per cent or more of the audience of the Medium.

Children

Persons under 12 years of age.

The Advertisement is targeted to adults and is specifically and deliberately not targeted to children. Kellogg draws the Panel's attention to the following factors that Kellogg submits demonstrates that the Advertisement is not targeted to children.

Theme, visuals, and language

Kellogg submits that the advertisement is not a "marketing communication to children" because having regard to the theme, visuals and language used, it is not directed primarily to children.

The advertisement was designed with an adult audience in mind. The intent is to appeal to the nostalgia of an adult audience and humorously remind them of a familiar competitive family environment that many parents come across in their day to day family life. It is also reminding the adult viewer, through the experience of the father in the advertisement, of fun outdoor activities they would have experienced when they were younger - namely, going outside to ride their bikes around the neighbourhood and going out to the shops to get milk. Further, the advertisement is



intended to remind parent's that Coco Pops can be a family treat on the weekend, as part of a balanced diet with exercise. This can be evidenced by:

- the advertisement is not animated and consists of real actors and scenery, with real Coco Pops cereal depicted;*
- whilst children feature in the advertisement to set the scene and demonstrate a competitive family environment, it is intentionally balanced to show the perspective of the father. For example:*
 - there is a shot of the father eating the cereal advising that he has just purchased the milk;*
 - the predominant voiceover is a senior adult male (father's) voice; and*
 - the father is seen eating the product in the advertisement.*
- the background music has been deliberately chosen to be appropriate to the scene and setting, but is not overly child-like or of primary attraction to children;*
- the advertisement is set in the family home and local family suburb, an environment which is balanced and of appeal to families, not specifically a setting of primary appeal to children;*
- the Advertisement portrays numerous scenes of milk, fruit and water in the kitchen, to reinforce the family setting. We note also that when dad is shown eating the product there is a plate of cut fruit, water and milk on the counter next to him, as well as bowls of uncut fruit shown in the background;*
- it clearly depicts a weekend day as the children are not dressed in their school uniforms, which indicates that it is a family treat for weekends or school holidays; and*
- the predominant voiceover has been deliberately chosen as an adult's voice and the language used, whilst straightforward, is not such that it could be argued to be child-focused.*

Kellogg acknowledges that the product may naturally have general appeal to children. However, the nature and purpose of the product is not principally appealing to children – it also holds significant appeal to adults. Coco Pops has been sold and marketed for a number of years and has been loved for many generations. As such, many adult consumers feel a sense of nostalgia for the product and still enjoy consuming the product as an occasional treat. One of the intents of the advertisement is to appeal to this sense of adult nostalgia.

In addition, the fact the product is appealing to adults is shown in the advertisement by the father eating the product. This reaffirms that the product is intended to also be consumed by adults – and in many cases is now seen as a whole of family treat.



Kellogg also acknowledges that the advertisement contains a sense or element of family fun. However, this in and of itself is an insufficient basis for a finding that the advertisement is targeted to children, as this sense or element of fun is a quality that appeals to people of all ages and to families in general. Further, as held in case number 0258/13, the fact that an advertisement may be attractive to children does not necessarily mean that an advertisement is primarily directed at children.

Finally, we note that the advertisement is very similar to the Coco Pops advertisement that was recently the subject of complaint to the Advertising Standards Authority (ASA) in New Zealand – complaint number 20/258. The predominant part of the advertisement is identical to the advertisement considered by the ASA Complaints Board in case number 20/258, with the ending of the present advertisement edited to refer to the new Coco Pops White Choc flavour. In case number 20/258, the central issue to be determined was whether the advertisement was targeting children having regard to the nature and intended use of the product being promoted, the content of the advertisement and the placement of the advertisement. The ASA Complaints Board determined that the advertisement was not targeting children and had been prepared and placed with the required standard of social responsibility, taking into account context, medium, audience and product.

Media Buy

Kellogg's television media buy for this advertisement is targeted at women aged 40 years and over and Kellogg has strived to ensure that the advertisement was not placed in any media directed primarily to children. As stated in the Practice Note to the AANA Code of Advertising and Marketing Communications to Children, it is not the intent of the AANA for the Code to apply to advertising or marketing communication that may be seen by children, but is not directed primarily to them. This reasoning is equally applicable to the RCMI.

Kellogg's standing instructions to its media buyer are:

- Strive to buy into TV programs with audience profile of less than 25% against children 0-14 and avoid animations or family movies (based on historical ratings data).*
- Do not buy Preschool or Children's time on Free to air TV, consistent with CAD requirements.*
- Do not accept bonus or makegood activity that is not guaranteed to avoid children's programming.*
- Do not buy children targeted Pay TV channels e.g. Nickelodeon.*

We note that the restriction Kellogg imposes on itself, in relation to striving to buy in programs where the proportion of children aged under 14 years of age is less than



25%, goes further than required under the 35% threshold contained in the RCMI's placement rules.

It is also noted that the advertisement has a CAD placement code of "W" which means – "May be broadcast at any time except during P and C programs or adjacent to P or C periods. Exercise care when placing in cartoon and other programs promoted to children or likely to attract a substantial child audience".

Attached is the media spot list for the month of August, noting that 22 August is the most recent date for which audience share data is available at this time. Total audience aged between 0 and 12 years for this period was 2.9%. Further, 90% of the audience was aged 35 years and over consistent with Kellogg's media buy for this television advertisement, which was targeted at women aged 40 years and over.

Given the above, it is submitted that the advertisement is not an "Advertising or Marketing Communication to Children" and therefore the RCMI does not apply.

AANA Food and Beverages Advertising Code (Food Code) and AANA Code for Advertising and Marketing Communications to Children (Children's Code)

For the reasons already outlined above, Kellogg submits that the advertisement is not directed primarily to Children and therefore the Children's Code does not apply and neither do provisions 3.1 to 3.6 of the Food Code. Given this, it is not necessary to comment on the provisions of the Children's Code or the above provisions of the Food Code, however we do note that there is nothing in the advertisement that raises any issues in relation to any of these provisions.

Kellogg takes very seriously the development of its advertising and marketing content and exercises a high degree of care and diligence in the process to ensure compliance with all applicable requirements.

In addition, and although not expressly raised by the complainant, Kellogg submits that the advertisement does not breach section 2.2 of the Food Code.

Advertising or Marketing Communication for Food or Beverage Products shall not shall not undermine the importance of healthy or active lifestyles nor the promotion of healthy balanced diets or encourage what would reasonably be considered as 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.

This is for the following reasons:

- Kellogg takes significant care to ensure that its advertisements promote healthy and balanced consumption of a variety of foods. The advertisement does not promote over consumption of any food that appears, and responsible serving sizes are shown throughout.*



- *The advertisement clearly shows that the product is consumed with healthy foods such as a selection of fruit, milk and water. In fact, in every main shot of the kitchen there is clear placement of various kinds of fruit and, in many views, a glass of water. For example, in the below shots (attached as Image 1 and Image 2) you can clearly see a bowl of fruit adjacent to the daughter, a glass of water in front of the son, and a selection of fruit on a plate. Eating fruit and drinking water is not promotion of unhealthy eating behavior for children.*
- *Not only that, there is a clear statement on screen which states “Enjoy as part of a balanced diet and active lifestyle”. This statement is on screen for at least 3 seconds and is clearly visible and readable by the consumer and through various shots. Kellogg is making it clear that consumers should be eating the product as part of a balanced diet and ensure this includes physical activity – this is socially responsible and goes beyond what most industry players currently undertake.*
- *The advertisement in no way promotes the product as an every-day, or frequent, food or in excessive amounts. It is being advertised as an occasional snack that is also eaten with milk, fresh fruit and water. There is a clear statement within the advertisement that the product should be enjoyed as part of a balanced diet and active lifestyle. In our view, this statement is on screen for at least 3 seconds and can be read easily.*
- *The children are also undertaking moderately intense exercise by racing on their bikes. The advertisement is intended to portray a weekend family occasion – with the kids having time to bike to the local store and not being in school uniform. The intent is for the product to be seen as a weekend family treat and not as an everyday food.*
- *The complaint provides information regarding aspects of the nutritional profile of the product. We wish to note that the product also contains 25% of the RDI of Vitamin B2 and Folate as well as 20% of the RDI of Vitamins B3 and B6. It also contains 15% of the RDI of Iron and 10% of Zinc. These are all important nutrients for families.*
- *Consistent with previous decisions of the Panel, advertising the product in and of itself is not, per se, undermining the importance of a healthy or active lifestyle (for example, case numbers 0345/17, 282/11 and 0550/17).*

Conclusion

For the reasons outlined above, Kellogg respectfully submits that the complaint should be dismissed. Kellogg is pleased to have had the opportunity to respond to this complaint and to confirm its support for Ad Standards and the codes to which Kellogg has committed to uphold.



THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches the AFGC Responsible Children's Marketing Initiative of the Australian Food and Grocery Council (the AFGC RCMI) or the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code).

The Panel noted the complainant's concern that the advertisement is targeted towards children, is for products that do not represent a healthier dietary choice and does not sufficiently encourage good dietary habits or physical activity.

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

The Panel first considered the provisions of the AFGC RCMI.

The Panel noted that Kellogg Australia is a signatory to the RCMI and determined that the provisions of the RCMI apply to this marketing communication.

The Panel considered the definition of advertising or marketing communications to children within the RCMI. The definition states that 'Advertising or Marketing Communications which, having regard to the theme, visuals and language used, are directed primarily to Children and are for food and/or beverage products.' Under this initiative children means "persons under the age of 12 years of age."

The Panel noted the RCMI provides that advertising or marketing communication activities are advertising or marketing communications to children and therefore captured under the RCMI Initiative if:

1. The content of the advertisement or marketing communication is, having regard to the theme, visuals and language used, are directed primarily to children (and are for food and/or beverage products) or
2. The placement of the advertisement or marketing communication is in a medium that is directed primarily to children, i.e.:
 - a. in relation to television, all C and P rated programs and other rated programs that are directed primarily to children through their themes, visuals and language; and/or
 - b. where children represent 35 percent or more of the audience of the Medium.

With regards to point 1, 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 AFGC RCMI the Panel must find that the advertisement is aimed in the first instance at children under 12.



The Panel first considered the theme of the advertisement.

The Panel noted the complainant's concern that the theme of the advertisement is sibling competitiveness, sibling cooperation and encouraging children to do whatever they need to do to eat the product.

The Panel noted the advertiser's response that the intent of the advertisement is to appeal to the nostalgia of an adult audience.

The Panel noted that the advertisement featured themes which would be of appeal to children, including competing in a bike race with a sibling on the way to pick up milk. The Panel noted that the advertisement also contained themes which would be of appeal to adults, such as the nostalgic feel of the advertisement and the father also having already gone to get milk to enjoy the cereal.

The Panel considered that the call to action at the end of the advertisement was a call to action to try the new product, and that this would be equally directed to the adult grocery buyer and children who would enjoy the product.

The Panel considered that the overall themes of the advertisement were directed primarily to families, and not directed primarily to children under 12 in the first instance.

The Panel then considered the language of the advertisement.

The Panel noted the complainant's concern that the music played in the background is like music played in children's programming, and the use of the language 'hey', 'hold on a sec' and 'just like a chocolate milkshake only crunchy' is intended for children.

The Panel noted the advertiser's response that the background music is not overly childlike and the predominant voiceover is an adult's voice which uses straightforward language.

The Panel noted that the two children don't speak in the advertisement, and the first voice heard is the father, who feigns surprise and states he went and got some milk. The Panel noted that the voice over at the end suggesting that viewers should try the new flavour product is also an adult. The Panel noted that the tagline at the end of the advertisement 'just like a white chocolate milkshake only crunchy', did sound like a child.

The Panel noted the language in the advertisement was straightforward, but not overly childlike. The Panel considered that the phrase, 'just like a white chocolate milkshake only crunchy' would be of appeal to children, but is also a version of a phrase that has been used for many years and would be nostalgic for many adult grocery buyers.



The Panel noted that the music in the advertisement was lively and would be attractive to children but considered that that this also added to the nostalgic tone of the advertisement and would be equally attractive to adults.

The Panel considered that overall the language used in the advertisement was targeted families and was not directed primarily to children under 12.

The Panel then considered the visuals of the advertisement.

The Panel noted the complainant's concern that the advertisement was depicted from the point of view of the children, featured young children, and the prominent featuring of the Coco Pops packaging are all elements which would be attractive to children.

The Panel noted the advertiser's response that the advertisement is not animated and it is intentionally balanced to show the perspective of the father.

The Panel noted that the advertisement is set in a kitchen, on a street and in a shop, and that these locations were not particularly childlike or attractive only to children. The Panel considered that the scene in the kitchen which showed the father eating the cereal would attract the attention of parents and adults who enjoy the cereal.

The Panel noted the initial scenes in the advertisement which feature both children reaching for the product at the same time, noticing the milk was empty, riding quickly to the shops and buying milk, and considered that these were all scenes that would be attractive to children, particularly as the two young children were shown as the main characters.

The Panel noted that the advertisement didn't contain animation, fantastical elements or bright colours which would be attractive to children. The Panel noted that the product was featured prominently in the scenes in the kitchen, and the scene at the end describing the new product, but considered that it was reasonable for advertisers to depict their product in their advertising and that this element on its own would not only be attractive to children.

The Panel considered that overall the visuals in the advertisement were equally attractive to both adults and children and were not directed primarily to children under 12.

The Panel noted 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 that the overall advertisement had a nostalgic feel, and this was highlighted by the scene showing the father enjoying the product. The Panel considered that there was a strong message in the advertisement that this cereal has



a nostalgic element for adults and that they can also enjoy this cereal. The Panel considered that many elements of the advertisement, such as the product being promoted and the use of the child actors would be attractive to children, however overall the advertisement would be equally attractive to adults and children.

The Panel considered that the advertisement, through themes, visuals and language, was attractive to both adults and children but not directed primarily to children under 12. The Panel found that the advertisement did not meet the requirements of point 1 of the initiative.

The Panel then considered point 2 in relation to the placement of the advertisement.

The Panel noted that the advertisement appeared on television, and noted the advertisement had been given a “W” rating by CAD. The Panel noted that advertisements with a W rating “may be broadcast at any time except during P and C programs or adjacent to P or C periods. Exercise care when placing in programs principally directed to children.”

The Panel was provided with a copy of the spot list for this advertisement. The Panel noted that the advertisement had not been played during programming with primary appeal to children under 12 or which was likely to have a high child audience. The Panel considered that advertising was placed during programming that did not have audience of more than 35% children and was not placed in programs directed primarily to children.

On the basis of the viewing audience the Panel determined that the advertisement did not meet points 2(a) or 2(b) of the AFGC RCMI in that it was not broadcast in a Medium that is directed primarily to Children or where Children represent 35 per cent or more of the audience of the Medium.

Finding that the advertisement did not meet points 1 or 2 of the Initiative the Panel considered that the Core Principles of the RCMI did not apply to this advertisement.

The Panel noted that Section 4.1 of the Food Code provides: “...Advertising or Marketing Communication for Food or Beverage Products, other than fresh fruit or vegetables, must comply with Schedule 1 of the RCMI, where applicable.” Noting that the advertisement did not meet the requirements for the RCMI to apply, the Panel determined that the advertisement did not breach Section 4.1 of the Food Code.

Finding that the advertisement did not breach the AFGC RCMI or the Food Code the Panel dismissed the complaint.