



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0278-19
2. Advertiser :	Kellogg (Aust) Pty Ltd
3. Product :	Food/Bev Groceries
4. Type of Advertisement/Media :	Internet
5. Date of Determination	11-Sep-2019
6. DETERMINATION :	Dismissed

ISSUES RAISED

AFGC - Responsible Childrens Marketing Initiative\RCMI 1.1 Advertising Message

DESCRIPTION OF ADVERTISEMENT

The advertisement is a Kellogg's website called 'Colour & Win' and located at www.kelloggs.com.au/crayola. The website, together with special packs of Kellogg's cereals, forms part of a Kellogg's 'Colour & Win' promotion in conjunction with Crayola.

Kellogg's has designed special black and white packs of popular products, including Coco Pops and LCM Split Stix, with children able to colour in the characters on the front and back of the pack. Customers are then invited to visit www.kelloggs.com.au/crayola to submit the work of art and tell Kellogg's, in 25 words or less, what inspired the creation. Customers can then bring the picture they have coloured to life using augmented reality, preferably using a mobile device. This is part of a competition to win Crayola gift packs of art and craft materials.

THE COMPLAINT

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

1. *The advertisement breaches the RCMI*

The Obesity Policy Coalition (OPC) submits that this advertisement 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 in media unless those products represent healthier dietary choices, consistent with established scientific or Australian government standards.

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

- 1. It is a communication directed primarily to children;*
- 2. Kellogg's Coco Pops or LCM Split Stix do not represent a healthier dietary choice consistent with established scientific or Australian government standards; and*
- 3. It does not promote healthy dietary habits or physical activity.*

The advertisement is a marketing communication directed primarily to Children

Advertising or Marketing Communication

The RCMI applies to material that is published or broadcast on television, radio, print, cinema and internet sites. This advertisement is an internet site.

The Kellogg's Colour & Win website 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 or the organisation.

The Colour & Win website is clearly designed to promote Kellogg's products, including Coco Pops and LCM Split Stix, to children. It offers children a chance to win a pack of art and craft supplies and displays both the Kellogg's and Crayola logos, together with a cartoon of a pencil and drawing. It also displays a video showing how the promotion works and demonstrating and providing instructions on how to use the augmented reality function, on the website.

The website is clearly designed to draw public attention to promote Kellogg's and its products.

Directed primarily to children

Based on its themes and visuals, the website and associated promotion is clearly directed primarily to children. It uses cartoon drawings and themes that would be appealing to children, for example a space theme. A packet of Coco Pops had a drawing of astronauts, rockets, planets and stars and asked 'How heavy was Neil Armstrong's spacesuit?'. This is a theme that is directed primarily to children. The promotion also appears on products that would have principal appeal to children, including Coco Pops, Rice Bubbles and LCMs.

The video on the website directs viewers to 'bring your artwork to life' and includes clear steps showing how to use the augmented reality function. The video shows a coloured in astronaut (the same as on the pack of Coco Pops) floating out of the



screen. This type of feature and game, along with the space theme, would appeal primarily to children. This is also supported by the prize on offer, a family pack of Crayola products, art supplies that would have most appeal to children.

The website does include terms and conditions that say a competition entrant must be over 18 years of age. In our view, however, this does not change the character of the website and associated promotion. Children may require an adult to enter the competition on their behalf (or represent themselves as over 18 when they are not) but the nature of the website, video, prize and promotion are primarily directed to children. Imposing an age limit for entering the competition should not allow companies to market unhealthy food directly to children.

Kellogg's Coco Pops and LCM Split Stix do not represent healthier dietary choices

Kellogg's Coco Pops is a high sugar breakfast cereal that has a 2 health star rating, and is not a healthier dietary choice. The promotion also appears on Kellogg's LCM Split Stix, a high sugar snack bar that has either a half a star or a one health star rating. The Australian Dietary Guidelines recommend that foods containing added sugar should be limited in the diet. The World Health Organization (WHO) 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). Kellogg's Coco Pops and LCM Split Stix both contain high levels of added or free sugar, with Coco Pops containing 36.5 % and LCM Split Stix containing between 32.6 % and 34.2 % total sugar, with most of this as added or free sugar. None of these products are healthy food options for children.

The RCMI requires that a company action plan be consistent with established scientific or Australian government standards. The Kellogg's Company Action Plan says that all products advertised to children under 12 must comply with its Global Nutrient Criteria, which sets a limit on sugar of 12g per serve, excluding sugars from dairy and fruit. Coco Pops and LCM Split Stix fall under the threshold as Kellogg's has set a serving size of 30g for Coco Pops and 23g for LCM Split Stix.

In our view, however, a plan that identifies a product with more than 32% sugar (most or all being added sugar) and a Health Star Rating of one half to 2 stars as a healthier choice, is not consistent with established scientific or Australian government standards as required by the RCMI. For this reason, Kellogg's Coco Pops and LCM Split Stix do not represent healthier dietary choices under the RCMI.

The advertisement does not promote good dietary habits or physical activity

Even in the case of a product that represents a healthy dietary choice, the RCMI provides that Kellogg's may only advertise the product to children if the advertising and/or marketing communication activities reference, or are in the context of, a



healthy lifestyle, designed to appeal to the intended audience through messaging that encourages:

- 1. Good dietary habits, consistent with established scientific or government criteria; and*
- 2. Physical activity.*

The advertisement does not include messaging encouraging either good dietary habits or physical activity. The website contains no messaging relating to other food or any depiction of physical activity.

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 Ad Standards to request that Kellogg's withdraw the Colour & Win website and associated promotion immediately on the basis that it breaches the RCMI.

THE ADVERTISER'S RESPONSE

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

We refer to your letter of 28 August 2019 regarding the complaint received by Ad Standards in relation to the above promotion.

Prior to addressing the substantive issues, Kellogg would like to confirm its long-standing support for Ad Standards and its commitment to uphold the relevant Codes together with its own internal guidelines.

Background material

The material which is the subject of the complaint is a website www.kelloggs.com.au/crayola. We enclose a copy of relevant screenshots from the website.

As the advertisement is not a TV or radio advertisement, there is no CAD rating or script. The website does not appear in any television or radio programs. The website was developed by Kinetic Marketing.

2) Description of advertisement and summary of complaint

The advertisement complained of is a Kellogg and Crayola collaboration for a Kellogg's shopper promotion, which is featured on a website (www.kelloggs.com.au/crayola) and on product packaging.



The purpose of the promotion is to appeal to families both in terms of the prizes on offer, the range of products participating in the promotion and the activities associated with the promotion. The insights behind the promotion are: i) parents as the main grocery buyer (MGB) are always looking for fun activities to keep their kids occupied; and ii) when kids go back to school after a break, parents need to purchase stationery and associated supplies. This promotion and the prize aimed to appeal to those insights.

The purpose of the website is to provide the mechanic for the MGB to enter the promotion and win a prize. It also serves to provide details of the promotion terms and conditions, frequently asked questions and instructions on how to activate the optional 'augmented reality' aspect of the promotion, should the entrant wish to take advantage of that element.

As can be seen on the website screenshots, in order to enter, entrants must either register for, or sign into, their Kellogg member account, including confirming they are 18yrs+ and accept and understand the promotion terms and conditions and Kellogg's Terms of Use and Privacy Policy. Consumers must also have purchased a specially marked Kellogg's product, the list of which was provided in the terms and conditions.

Once registered or signed in, consumers are then directed to confirm they have complied with the entry requirements, including uploading a photo of the coloured in pack in a specific file format, stating in 25 words or less what inspired the creation and confirming that they have purchased a participating product. After these steps are completed, the consumer receives one entry into the promotion. If they choose to, consumers also have the opportunity to use their mobile device to activate the 'augmented reality' aspect of the promotion, by following the instructions provided.

Links to the Kellogg website Terms of Use, Privacy Policy, promotion terms and conditions and promotion frequently asked questions were provided at the bottom of every page of the site, for ease of access.

Lastly, whilst product packaging is outside the scope of the AANA Codes and RCMI, since it is raised by the complainant, we note for completeness that the promotion also featured on the following product packaging:

- *LCMs snack bars*
- *K-Time Twists snack bars*
- *Sultana Bran Buds cereal*
- *Coco Pops cereal*
- *Rice Bubbles cereal*
- *Corn Flakes cereal*

Each pack was transformed to be largely black and white, in a retro handdrawn style, to hero the promotion. The entry instructions were included on the packaging, with the opportunity for the MGB and their families to colour in the back of the pack, answer an educational trivia question or receive a tip. There were four (4) themes that rotated across the packaging, being:



*Space/astronaut – the question being, “How heavy was Neil Armstrong’s spacesuit?”;
Australian wildlife – the question being, “What are the four types of kangaroo species?”;*

Mindfulness, utilising a mandala symbol – the tip being, “Mindfulness colouring helps you to focus on being present”; and

Underwater animals – the question being, “What is the fastest shark?”.

The complaint is made under the Australian Food and Grocery Council Responsible Children’s Marketing Initiative (RCMI). The substance of the complaint is that:

- the website falls within the definition of “Advertising or Marketing Communications” under the RCMI;*
- the website is a marketing communication directed primarily to children under 12 years of age, based on the language, themes and visuals of the advertisement; and*
- certain LCMs products do not meet the Nutrient Criteria for healthier dietary choices,*
- and that the website therefore breaches Core Principle 1.1 of the RCMI.*

Our response to the complaint is set out below.

3) Advertising to Children (RCMI)

Kellogg submits that Core Principle 1.1 of the RCMI does not apply in this instance as the advertisement is not directed at children.

The RCMI only applies to “marketing communications to children”. The relevant definitions in the RCMI are set out below:

Advertising or Marketing Communications

- Any material which is published or broadcast using any Medium which is undertaken by, or on behalf of a Signatory, and*
- Over which the Signatory has a reasonable degree of control, and*
- That draws the attention of the public in a manner calculated to promote or oppose directly or indirectly a product, service, person, organisation or line of conduct,*
- but does not include labels or packaging for products, public relations communications (corporate or consumer) or in-store point of sale material.*

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.



Children

Persons under 12 years of age.

Theme, visuals, and language

Kellogg respectfully submits that the website complained of is not a “marketing communication to children” because, having regard to the theme, visuals and language used, it is not directed primarily at children.

Kellogg draws the Panel’s attention to the following factors, which we consider demonstrate that the website is not directed primarily to children:

The website is intended to be purely functional – a platform for explaining the promotion mechanics (which involves a number of steps) and for facilitating entry. It is clearly designed for adults in its visuals and function.

In order to participate in this promotion, consumers must have a Kellogg member account and must sign into, or register for an account. As can be seen on the website landing page, this requires signing up to Terms and Use and Privacy Policy, without which consumers cannot proceed further on the website.

The terms and conditions for entry to the promotion, and for registering as a Kellogg member, requires the consumer to confirm that they are 18 years old or over. The promotion also requires the purchase of a participating product (the list of which is found within the promotion terms and conditions), which is typically done by the MGB. As noted above, there are a range of participating products including products that have appeal to adults, children and families as a whole.

To enter, consumers must upload a photo of the coloured in back of pack (using the participating product) as well as submit in 25 words or less what inspired their creation to win. The winners were determined based on the originality of the “25 words or less”, so long as they complied with the other requirements (purchase of participating product and uploading a photo of coloured in pack). Whilst family involvement is encouraged (which taps into the consumer insight that parents as the MGB are always looking for fun activities to keep their kids occupied), these are requirements that clearly require adult supervision and control.

The website itself is relatively plain, using a white background with black text and small highlights of colour. There are no dominating images of food or products, nor is there any use of Kellogg characters. This is deliberate noting the functional purpose of the website, which is directed at adults / MGBs.

The visuals are hand drawn in keeping with the Crayola brand but are not overly child like; rather they have a more nostalgic feel. The main callout repeated throughout the promotion is, “Fun for you and your family”, which is clearly addressed to the MGB parent.



In terms of the language used, the website employs ordinary adult vernacular. For example, there are detailed instructions regarding the permitted file formats and file limits for upload. There is nothing overly child-like about the language.

The Kellogg Terms of Use, Privacy Policy, promotion terms and conditions and promotion FAQs are also hyperlinked at the bottom of each page of the website.

After the entry is completed, entrants can choose to use their mobile device to activate the augmented reality element of the promotion. AR uses technology to overlay computer generated content on a real world environment. The website provides instructions to the entrant on how to do this as it only works on certain platforms and using certain settings.

In terms of the prize, these are specifically referred to as “family gift packs”, since the prize contains items for the whole family, including items of interest to both children (eg. Silly Scents Washable Kids Paint 6 pack, Take Note Washable Gel Pens 14 pack) and adults (eg. Signature Range Blend & Shade 50 Coloured Pencils Decorative Tin, the Inspiration Art Case).

Whilst product packaging falls outside the scope of the RCMI, since it is raised by the complainant, for completeness we do note that:

The packaging in plain black and white encourages colouring-in of the pack, noting that this is a family activity enjoyed by people of all ages and is a creative activity that brings families together. This aligns with Kellogg’s values – Kellogg is a family brand that promotes the importance of families spending time together over breakfast or snack time.

The four themes, whilst may be appealing to children, are intended for and directed to the whole family.

The trivia questions and tips are not particularly child like and are intended to be thought provoking for the whole family. They were also deliberately chosen to be topical (the promotion timing co-incided with the 50th anniversary of the moon landing, Neil Armstrong being the first person to step on the moon on 21 July 1969) and mindfulness colouring has become very popular of late, with adult mindfulness colouring books and sets widely available.

The promotion was included across a range of products, including family brands like K-Time snack bars, Rice Bubbles, Sultana Bran Buds and Corn Flakes, in addition to the LCMs and Coco Pops cited by the complainant.

Further, whilst elements of the website may have some appeal to children, this is an insufficient basis for a finding that the website is primarily directed at children, as consideration must be had to how the images are used, surrounding language and thematic context. We note in particular the following:



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.

The Board's prior decision in case 0097/14, where it was held that while some elements of the website would appeal to kids, content would also be used by parents, and therefore the website was not primarily directed to children.

It is Kellogg's submission that the website does not breach the requirements of the RCMI, on the basis that it is not Advertising or Marketing Communications to Children.

4) AANA Children's Advertising Code (the Code)

In addition, and although not expressly raised by the complainant, Kellogg submits that the advertisement does not breach the Code. For the reasons stated above it is Kellogg's submission that the advertisement is not primarily directed to children.

Conclusion

For the reasons stated above the complaint should be dismissed in its entirety. 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 is subject.

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).

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 noted the complainant's description of the advertisement as a website in conjunction with special packs of Kellogg's products including Coco Pops and LCM Split Sticks.

The Panel first considered the provisions of the AFGC RCMI.

The Panel noted that the mediums within the scope of the RCMI are television, radio, print, cinema, and internet sites. The Panel noted that product packaging was not a medium within the scope of the RCMI and that the Coco Pops and LCM Split Sticks packaging could not be considered under the RCMI.



The Panel noted that the website promoting the colour and win promotion which featured an image of Kellogg's Coco Pops and LCMs Split Stix does fall within the scope of the RCMI.

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, ie:
 - 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 noted the complainant's concern that the advertisement featured themes and visuals which were directed primarily to children, including a video showing an astronaut floating out of a screen, and that the prize on offer would have the most appeal to children.

The Panel noted the advertiser's response that the website was aimed at the main grocery buyer looking for activities and a way to win back-to-school supplies for their children. The Panel further noted the advertiser's response that the competition on the website required the purchase of products and that the person entering the competing should be over 18.

The Panel considered whether having regard to the theme, visuals and language used, the website is directed primarily to children.

The Panel first considered the theme of the advertisement. The Panel noted that the advertisement featured the heading "Colour and Win! Fun for you and your family" on every page, along with the Kellogg's and Crayola logos. The Panel considered that the website had two main functions, to promote the competition entry and to provide instructions on how to bring a picture to life with augmented reality. The Panel considered the overall theme of the advertisement was a colouring in competition that features images that can be brought to life using an app and that this is a theme which was directed primarily to children under 12.



The Panel then considered the language of the advertisement. The Panel noted that the header on each page of the website featured the words “Colour and Win! Fun for you and your family” and considered that this was language that could be seen to be directed to both children and to parents/carers.

The Panel noted the promotion entry page featured the words “KELLOGG’S CRAYOLA COLOUR & WIN PROMOTION 5 x Crayola Family Gift packs to be won every day” Along with practical information about how to enter the competition. The Panel considered that this wording was factual, informative and was targeted more towards parents, than children under 12.

The Panel noted that this page also included a video advertisement which featured the words “Bring your Kellogg’s pack to life. Other wording in the video includes “choose the character that matches your artwork”, “allow access to your camera”, “line up the image on your phone to the one on pack”, “please wait while we bring your artwork to life”, “colours will be selected from the most dominant and vibrant in your artwork” and “make sure the AR marker is lined up like this!” . The video ends with the wording “Your AR Checklist: make sure you enter the competition first, our AR works on mobile devices so for IOS you’ll need to use Safari and for Android use Chrome, for best results use in natural light, hold your phone upright instead of sideways” and “for further information head to the FAQ page”. The video does not have any spoken words but includes lively music.

The Panel considered that it was most likely for children to have coloured in the packaging, and therefore phrases like “bring your artwork to life” and “choose the character that matches your artwork” would appear to be directed to children under 12. The Panel considered that the advertisement also uses words and phrases like “dominant”, “vibrant”, and “natural light” and considered that the complex phrases appeared to be more targeted towards adults. The Panel considered that wording relating to how the competition worked and the best browsers to use also appeared to be targeted towards adults. Overall, the Panel considered the language in the video appeared to be targeted towards both parents and children to use together and was not directed primarily to children under 12.

The Panel noted the second promotion entry page featured further written instructions and a space to The Panel noted that the words “tell us in 25 words or less what inspired your creation to win” appear above a blank field. The Panel considered that the words “your creation” appear to be directed to children, however the rest of the wording on the page was factual and instructional and were directed more towards parents or caregivers. Overall, the Panel considered the language on this page appeared to be targeted towards both parents and children to use together and was not directed primarily to children under 12.

The Panel noted the Promotion confirmation page/augmented reality page which appears after competition entry features the header, the same video as described above, and wording thanking the user for entering the competition and encouraging



them to use the augmented reality feature. The Panel noted the line “bring your picture to life with augmented reality” did appear to be directed to children, however the rest of the wording on the page was factual and informative and was directed more towards parents or caregivers. Overall, the Panel considered the language on this page appeared to be targeted towards both parents and children to use together and was not directed primarily to children under 12.

The Panel noted that the augmented reality experience, which could be accessed on mobile devices only, featured the wording, “can we access your camera? We need to access this device’s camera to bring your amazing drawing to life” and buttons saying, “no thanks” and “allow”. Once accessed another pop-up appears with the words, “line up the guide with your coloured in drawing and take a photo.” And a button with the words “Got it”. The Panel considered the overall context of the language on this page was targeted towards both parents and children to use together and was not directed primarily to children under 12.

The Panel considered that overall the language used in the advertisement was targeted towards both parents and children to use together and was not directed primarily to children under 12.

The Panel then considered the visuals of the advertisement.

The Panel noted that the header on each page of the website featured the words “Colour and Win!” written in block letters, the Crayola logo in the top right, and the Kellogg’s logo on an illustrated image of a red pencil on the top left. Another illustrated green pencil underneath the block letters has the words “fun for you and your family” written on it. These images are on a white background, and underneath are lines which look like torn paper, on the other side of the lines the rest of the header appears to have been coloured-in red. The Panel considered that the bright colours and illustrations of this header would likely be attractive to children and considered that the visuals of the header were directed primarily to children under 12.

The Panel considered that the promotion entry page featured the header, some text, a video, an image of the competition prize and a form to fill in. The Panel considered that the image of the prize pack featured bright and colourful products and that this image was likely to attract the attention of children. The Panel considered that the image of the prize pack was directed primarily to children under 12.

The Panel considered that the form on the promotion page was grey and white with red buttons, and that these colours would not attract the attention of children. The Panel considered that the form was directed towards parents or carers and was not directed primarily to children under 12.

The Panel noted that the video advertisement on this page featured the words “Bring your Kellogg’s pack to life” written in cartoonish writing on a notepaper background. The notepaper was also covered in stars and included an image of the Kellogg’s Coco



Pops packet which had been half-coloured in. These images move upwards off the screen and are replaced by black and white space-themed illustrations and an adult's hand holding a smart phone. The smart phone displays the image of a black star inside a white box inside a black box. A 3D coloured image of an astronaut then comes out of the screen and jumps around. The images all move off the screen and are replaced by an illustrated image of a shark, followed by a medulla, kangaroo and astronaut. An illustrated image of a smart phone appears, with space-themed images on the screen and a request to access the camera and the words "go for it" are coloured in green and grow bigger. Another illustrated image of a smartphone appears with an image of an astronaut and a green "Let's go" button. An illustrated image of an LCM pack with the space-themed colouring-in is then shown and the astronaut is coloured in. An illustrated smart phone appears over the pack with the coloured astronaut on the screen. An image of an adult hand holding a smartphone with a photo of a Coco-Pops pack is shown, and a 3D astronaut appears on the screen. The video ends with a checklist which looks as though it has been written on notepaper.

The Panel considered that the illustrated and space-themed images of the video would be seen to be directed primarily to children under 12.

The Panel noted the second promotion entry page featured the header and a form and considered that the visuals on this page appeared to be targeted towards both parents and children to use together and was not directed primarily to children under 12.

The Panel noted the Promotion confirmation page/augmented reality page which appears after competition entry features the header, text, the same video as described above, and four different types of colouring-in images to select from (on the website accessed from a mobile device only). The Panel noted that there were four types of colouring-in pages shown on the website and these were Australian animals, sea creatures, an astronaut and a mandala pattern. The Panel considered that these visuals would be directed primarily to children, however noted that this page is not visible until an adult has completed the competition entry.

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

The Panel noted that the website advertisement had an informative feel to it, and considered that that advertisement would be brighter or more animated if it was directed primarily to children. The Panel considered that the overall theme of colouring in competition may be directed primarily to children, however considered that the theme, visuals and languages combined created an impression of a site



designed to be used by a parent or caregiver and their child, not a child alone. Viewed as a whole, the Panel considered that the website, through themes, visuals and language, was attractive to both adults and children but not directed in the first instance to children under 12. The Panel determined that the advertisement did not meet point 1 of the initiative.

The Panel then considered part 2 in relation to the website and considered that accessing the website and entering the competition would require purchase of a product, which meant that accessing the website would likely be in the control of the grocery buyer. As mentioned above, the Panel considered that the advertisement would likely be used by an adult as a way of accessing material for a child. The Panel noted that entries to the competition had to be submitted by an adult over 18 and that no children under 12 would have been able to enter the competition on their own. The Panel noted that the percentage of users under 12 was not known, however considered that it was unlikely to be over 35%.

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

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