



**ADVERTISING  
STANDARDS  
BUREAU**

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## Case Report

<b>1</b>	<b>Case Number</b>	<b>0406/12</b>
<b>2</b>	<b>Advertiser</b>	<b>Haribo Australia Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>Food and Beverages</b>
<b>4</b>	<b>Type of Advertisement / media</b>	
<b>5</b>	<b>Date of Determination</b>	<b>24/10/2012</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

Advertising to Children Code 2.15 Food and beverages

### DESCRIPTION OF THE ADVERTISEMENT

The TVC involves a young girl engaging in a game of role play with her dad as she pretends to be conducting research into whether children can resist a small plate of four or five Haribo Gold Bears. Children from around the neighbourhood are her “subjects” in the role-play research experiment. They individually react in various natural ways to the temptation of not eating any of the small selection of the Gold Bears and are offered by the girl another “one” if they can resist. The TVC concludes with animation of the Haribo global bear character and jingle.

### THE COMPLAINT

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

*Haribo TV advertisement in breach of AANA Children’s Code*

*We wish to complain about the content of the Haribo TV advertisement and believe it is in breach of the AANA Code for Advertising and Marketing Communications to Children (AANA Children’s Code).*

*The advertisement: This is a 30 second advertisement. It depicts a young girl in white lab*

*coat and large glasses as conducting an experiment. She narrates the entire ad. Multiple children are shown playing with Haribo Goldbears, smelling them and eating them. The children are unable to resist eating the lollies. "The evidence is clear, Haribo is just too good". The ad ends with a Haribo jingle.*

*The advertisement was screened during Australia's Funniest Home Video Show on Channel 9 at 6.51pm on the 18th August 2012. This program is popular with children and hence the advertisement is targeted to them.*

*Marketing to children: The use of a child to communicate with other children in a way that depicts her as an expert would attract the attention of children and be very appealing to them. Other children talking about, smelling and eating the Haribo bears is also appealing to children. The animated Haribo bear and catchy jingle used are also clearly targeted to children.*

*AANA Childrens Code: The website breaches clause 2.15a of the Children's Code, that; "Advertising or Marketing Communications to Children for food or beverages must neither encourage nor promote an inactive lifestyle or unhealthy eating or drinking habits". Haribo bears are not healthy products, as demonstrated by their nutritional content.*

*Nutritional Information: Nutritional information is not available on the Australian or international Haribo websites.*

*Information from CalorieKing indicates that Haribo Goldbears contain 1460kJ and 45.6g of sugar per 100g. The Dietary Guidelines for Children and Adolescents in Australia advise to "consume only moderate amounts of sugars and foods containing added sugars". Haribo bears contain large amounts of sugar and energy, without contributing anything beneficial to the diet. They are hence not healthy dietary choices for children, and Haribo is in breach of clause 2.15a.*

## **THE ADVERTISER'S RESPONSE**

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

- The TVC in question was neither created for, nor specifically broadcast or directed to children.*
- We do not believe that the TVC either encourages or promotes an inactive lifestyle. The children seen in the TVC are happy and healthy and we believe the tvc will be viewed as intended, a fun role play experiment by a young girl in her home with her "dad" acting as her role play assistant.*
- It is clear that the child is not an "expert" particularly as she scolds her "Dad" assistant at the conclusion of the TVC.*
- At no time does the TVC in either audio or visual messaging encourage excessive*

*consumption of the product. In fact on the contrary the TVC concept is purposeful with clear communication that children will be offered “another one” as a reward for resisting any of the first small selection of Gold Bears. At the conclusion of the TVC a quick series of three of the children are seen briefly eating a single Gold Bear and two other children are seen reaching toward the plate of Gold Bears but not shown actually consuming. We believe that by any current standards this would not be viewed as ‘excessive’ consumption.*

*In conclusion we believe the complaint 0405/12 made to the ASB is baseless and without foundation based on the clear intentions of the creative execution and the media planned and bought to the target audience of predominantly adult/grocery buyers*

## **THE DETERMINATION**

The Advertising Standards Board (‘the Board’) 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 Board noted the complainants’ concerns that the advertisement is directed to children and does not represent a healthy dietary choice for children and undermines the importance of a healthy, active lifestyle.

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

The Board considered the definition of advertising or marketing communications to children under the Children’s Code. Advertising or marketing communication 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 Board noted that the dictionary definition of “primarily” is “in the first place” and that to be within the Children’s Code the Board must find that the advertisement is aimed in the first instance at children 14 years old or younger.

The Board noted that the advertisement involves a young girl engaging in a game of role play with her father as she pretends to be conducting research into whether children can resist a

small plate of four or five Haribo Gold Bears.

The Board agreed that the theme, visuals and language of the advertisement being a mock experiment involving children would appeal primarily to children. The Board considered that as children featured in the advertisement, the girl scientists speaks in a manner that children would relate to and the scenes of children having fun and enjoying the mock experiment was aimed in the first instance at children.

The Board then considered whether the advertisement is for 'product'. Product is defined as 'goods, services and/or facilities which are targeted toward and have principal appeal to children.' The Board considered that this advertisement is for Haribo Gold Bears and the majority considered that this product is a product that is targeted toward and of principal appeal to children.

Having determined that the advertisement is directly primarily to children and is for 'product' the Board determined that the Advertising to Children Code and Part 3 of the AANA Food Code applies to the advertisement. The Board considered whether the advertisement complies with section 2.15 (a) of the Code. Section 2.15(a) of the Code states that "(a) Advertising or Marketing Communications to Children for food or beverages must neither encourage nor promote an inactive lifestyle or unhealthy eating or drinking habits."

The Board noted that the advertisement was designed to appear to be in a clinical laboratory style environment to create the feeling of a test environment that many children would not be familiar with. The Board considered that the depiction of this scientific environment was clearly evident and that children would be able to recognise that the scene was a fictitious scenario.

The Board noted that all scenes that included children sitting with lollies on the table in front of them included only 4-5 lollies at any one time and did not encourage or promote unhealthy eating habits.

The Board determined that the advertisement did not breach Section 2.15(a) of the Children's Code.

The Board then considered whether the advertisement was in breach of Part 3 of the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code).

The Board considered section 3.2 of the Food Code. Section 3.2 of the Food Code states that: “Advertising or Marketing Communications to Children shall not improperly exploit Children’s imaginations in ways which might reasonably be regarded as being based upon an intent to encourage those Children to consume what would be considered, acting reasonably, as excessive quantities of the Children’s Food or Beverage Product/s”.

The Board noted that all scenes that included children sitting with lollies on the table in front of them included only 4-5 lollies at any one time and showed children taking only one lolly to try and not the entire range of flavours.

The Board considered that children would easily identify that the scenario was not a real experiment and that the advertisement was not encouraging children to eat excessive quantities of confectionery but rather to try not to eat any of the lollies in an attempt to be given just one more.

A minority of the Board felt that the advertisement was encouraging of the idea of temptation and a ‘can’t resist’ attitude. The majority of the Board however, that there was no suggestion that the children should eat all of the flavours or the entire contents of the pack and that the advertisement did not convey an intent to encourage children to consume what would be considered as excessive quantities of the product and did not therefore breach section 3.2 of the Code.

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