



# Case Report

|   |                               |                                   |
|---|-------------------------------|-----------------------------------|
| 1 | Case Number                   | 0512/16                           |
| 2 | Advertiser                    | Unilever Australasia              |
| 3 | Product                       | Food and Beverages                |
| 4 | Type of Advertisement / media | Internet - Social                 |
| 5 | Date of Determination         | 23/11/2016                        |
| 6 | DETERMINATION                 | Upheld - Modified or Discontinued |

## ISSUES RAISED

RCMI 1.1 - Advertising Message AFGC - Advertising Message

## DESCRIPTION OF THE ADVERTISEMENT

The internet advertisement is a 15 second film clip showing two young children playing on a beach who discover a treasure chest with a Paddle Pop Twirly Pop hovering inside. When one of the children tastes the Twirly Pop, an animated Paddle Pop stick is shown with the words an animated Paddle Pop lion then appears. The Paddle Pop lion and another animated character use the Twirly Pops as a weapons to fight another, presumably evil, character, and the Twirly Pop blows the evil character up. The scene disappears and the children are shown again holding the Twirly Pops in the air triumphantly. During the second half of the advertisement the phrase 'true heroes balance energy intake and activity enjoy Paddle Pop as a treat within a balanced diet' is shown at the bottom of the screen.

## 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, Unilever 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. Paddle Pop Twirly Pop does 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*

*The RCMI applies to material that is published or broadcast on television, radio, print, cinema and internet sites. This advertisement has been published on the internet site YouTube (www.youtube.com) and on subscription television and therefore the RCMI applies.*

*Based on its themes and visuals, the advertisement is clearly a marketing communication directed primarily to children within the meaning of the RCMI.*

*The Board is requested to carefully consider the following features, which the OPC argues conclusively establish the advertisement is directed primarily to children:*

- 1. The advertisement has two young children as its main characters; those children appear to be under 12 years old.*
- 2. The advertisement uses childlike themes of adventure and wonder, showing the children discovering an unknown treasure on a beach and being amazed when the animated adventure scene begins.*
- 3. The animated scene is of clear appeal to young children, showing the popular Paddle Pop lion character engaged in a battle with an evil enemy. The type of animation and the scene it depicts would be of primary appeal to young children.*
- 4. The advertisement clearly encourages child viewers to imagine themselves participating in amazing adventures and associates fun, adventure and imagination with consumption of Paddle Pop Twirly Pop.*

*The themes and visuals of the advertisement will have strong appeal to children's sense of wonder, imagination and adventure. The advertisement makes no appeal to adult or parental interests and is clearly and specifically directed at children. The style of advertisement is similar to other Paddle Pop advertisements that have been found to be primarily directed at children by the ASB (0399/14, 0410/13).*

*The placement of the advertisement also supports a conclusion that it is directed primarily to children. The advertisement is currently available on YouTube, a site commonly used by children. A 2013 report into young Australians' experience of social media found that YouTube was the most popular social network with children aged 8 to 11, with half of 8-9 year olds (53%) and seven in ten 10-11 year olds (69%) having used it and 60 per cent of 10-11 year olds having used it in the last four weeks (reference: Australian Communications and Media Authority 'Like, post, share: Young Australians' experience of social media', 2013. Accessed at*

[http://www.cybersmart.gov.au/About%20Cybersmart/Research/~//media/Cybersmart/About%20Cybersmart/Documents/Newspoll%20Quantitative%20Like%20Post%20Share%20%20%20final%20PDF.pdf](http://www.cybersmart.gov.au/About%20Cybersmart/Research/~//media/Cybersmart/About%20Cybersmart/Documents/Newspoll%20Quantitative%20Like%20Post%20Share%20%20final%20PDF.pdf)).

*Paddle Pop Twirly Pop does not represent a healthier dietary choice*

*Paddle Pop Twirly Pop is an iced confection product and is not a healthier dietary choice. The Australian Dietary Guidelines recommend that foods containing added sugar should be limited. The World Health Organization (WHO) also supports the limited intake of sugar, recently releasing updated guidelines regarding the health impacts of sugar consumption and recommending daily sugar intake be reduced to 10% of daily dietary intake and ideally, for the best health outcomes, to 5% (reference: World Health Organization 'Guideline: Sugars intake for adults and children'. Geneva, 2015). Paddle Pop Twirly Pop has a significant level of sugar, 21.6%, and is not a healthy food choice for children.*

*Unilever's RCMI Company Action Plan says it will not market to children under 6 years of age other than packaging and labelling and will only market to children between 6 and 11 years if the products meet the following criteria:*

- 1. NSW School Canteen Association criteria for green or amber foods, and*
- 2. Unilever's global internal nutritional criteria.*

*Paddle Pop Twirly Pop does not meet the NSW Healthy School Canteen Strategy (The Canteen Strategy) criteria for green or amber foods. The Canteen Strategy (found here: <http://www.schools.nsw.edu.au/media/downloads/schoolsweb/student-support/student-wellbeing/schoolcanteen/cmpguide2.pdf>) categorises products as red (occasionally), amber (select carefully) or green (fill the menu) based on various factors, including the type of food, the kilojoule content per serve, the saturated fat content per serve, the sodium content per serve and the fibre content per serve. The Canteen Strategy says that sugar-sweetened drinks and ices will be classified as red if the energy per serve is more than 300kJ and the sodium per serve is more than 100mg. The Canteen Strategy provides that this category applies to ice blocks and ice confections, among others. As Paddle Pop Twirly Pop has 322kJ per serve it falls into the red category and does not meet the commitment made by Unilever in its Company Action Plan.*

*We note that the Canteen Strategy includes a separate category for ice creams, milk based ice confections and dairy desserts, which has a higher limit of 600kJ per serve, and a limit of 3g saturated fat per serve. In our view Paddle Pop Twirly Pop cannot be considered a milk based iced confection as water is the primary ingredient, followed by sugar and then dairy ingredients. We accept that Paddle Pop Twirly Pop has dairy as an ingredient, however it cannot be characterised as 'milk based'.*

*In addition to meeting the requirements for green or amber foods under the Canteen Strategy, under Unilever's Company Action Plan products must also meet its internal criteria before they can be marketed to children between the ages of 6-11. These internal criteria (found here: [https://www.unilever.com/Images/slp\\_unilever-nutrition-criteria-november-2013\\_tcm244-414409\\_en.pdf](https://www.unilever.com/Images/slp_unilever-nutrition-criteria-november-2013_tcm244-414409_en.pdf)) require ice creams and water ices to have less than 20g of added sugar per 100g, among other requirements. Paddle Pop Twirly Pop has 21.6g of sugar per 100g, although we do not have sufficient information about the nutritional composition of the product to accurately assess whether it contains more than 20g of added sugar.*

*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 Unilever 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.*

*We acknowledge that Unilever displays the statement ‘true heroes balance energy intake and activity enjoy Paddle Pop as a treat within a balanced diet’ across the screen during the second half of the advertisement. While we support this message being communicated to viewers, we do not think that the message is sufficient to promote good dietary habits or physical activity. In our view, child viewers of the advertisement are unlikely to pay significant attention to the message and are likely to be focused on the visual and audio content of the advertisement. We also consider that child viewers may not understand the meaning of the message as it uses concepts that young children may not understand, such as balancing energy intake and activity and a balanced diet.*

*We also note that during the first half of the advertisement, where there is not as much happening on screen, the message is not displayed. There is a lot of fast paced animation on the screen during much of the time the message is displayed, and we consider it unlikely that children will pay it significant attention. This view is consistent with previous decisions of the ASB in relation to the same Paddle Pop message, for example 0399/14 where it said that inclusion of “...small on screen text at the forefront of animated action scenes is not sufficiently getting the message to children. The Board considered that the printed message does not have a big impact for children when the rest of the advertisement is based on voiceover and visuals.”*

*The content of the advertisement references physical activity briefly at the beginning, showing the children with a soccer ball, however they stop playing almost immediately on commencement of the advertisement. The children are not shown engaging in any further physical activity, instead watching the scene where the Paddle Pop lion and associates engage in an adventure and battle. The Board has previously found that mere suggestion of “adventure” in advertising does “not amount to an implication or encouragement of physical activity” (decision 0454/11).*

*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 ASB to request that Unilever withdraw the Paddle Pop Twirly Pop advertisement 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:

*Your letter encloses a copy of a complaint (Complaint) concerning a television commercial (TVC) for the Paddle Pop "Twirly Pop" product (Product). The Complaint submits that the Advertisement raises issues under section 1.1 of Schedule 1 to the Australian Food and Grocery Council's Responsible Children's Marketing Initiative (RCMI).*

*The 15-second TVC may be viewed at the following link:  
[https://www.youtube.com/watch?v=ZQQj\\_Q22xf0](https://www.youtube.com/watch?v=ZQQj_Q22xf0)*

*There was no CAD reference number or rating required for the TVC as it was not aired on "free-to-air" television.*

### *1. The Product and the TVC's audience*

*The Product's name - "Twirly Pop" - is descriptive of its physical characteristics, in that:*  
*a) "Twirly" represents the twirling flavours of vanilla, pineapple and apple in the Product; and*  
*b) "Pop" is the abbreviated form of "popsicle".*

*The Product forms part of the range of Paddle Pop branded products, which are enjoyed by people of all ages. This is confirmed by Nielsen Homescan data (MAT to 08/08/15), which indicates that households without children represent 51% of value sales of Paddle Pop products.*

*The marketing of the Product reflects its broad appeal to all segments of the population. The advertisements, while varying in nature and focus, have used water themes to highlight the refreshing nature of the Product and twirling shapes to emulate the Product's physical characteristics.*

*Unilever submits that this particular TVC itself- by virtue of its themes, visuals and language - is intended primarily for a young audience. This is also reinforced by the airing of the TVC during children's programming (which is set out in the enclosure to this Letter). Therefore, by virtue of the TVC's content and placement, the TVC is both intended, and is, a "communication directed primarily to Children" and is therefore subject to the RCMI.*

### *2. Description of the TVC*

*The TVC commences with a girl and a boy playing soccer on the beach on a sunny day. Next to the children, there is a boogie board and a beach towel on which there is various fruit, including half a watermelon, mangoes and an apple. After the boy points to something in the right-hand of the frame, the children run towards a treasure chest in the sand located next to a rocky outcrop. The treasure chest contains jewellery, coins and the Product. A close-up of the children looking at the treasure chest is shown. Moving blue and white swirls wrap around the central yellow base of the Product. The Paddle Pop brand then appears to the right of the frame with the "Twirly Pop" variant name just below it.*

*At the 7 second mark, the boy is shown consuming the Product as the words "True heroes*

*balance energy intake and activity; enjoy Paddle Pop as a treat within a balanced diet" appear at the bottom of the frame. These words remain at the bottom of the frame for the remainder of the TVC. After a short close-up of the boys' eyes, the frame cuts to the eyes of the Paddle Pop Lion character (Paddle Pop Lion). An image of the Paddle Pop Lion dressed in his safari suit raising the Product to the sky is displayed. The frame then cuts to the Paddle Pop Lion entering a fantasy ship scene with a female character. Both characters are holding the Product.*

*The Products project white and blue lights onto a mystical character wearing dark clothing. Once the lights reach the dark character, the dark character disintegrates into many floating pieces.*

*The frame then cuts to the children holding the Product with arms outstretched. The TVC's final image is the Paddle Pop Lion holding the Product on a rocky outcrop against the sea background. The Streets logo appears in the top left, the word "New" appears in the centre, the Unilever logo features and the Paddle Pop/"Twirly Pop" logos appear in the central part of the right-hand of the frame.*

### *3. Relevant framework*

*The following regulatory framework is relevant to the adjudication of the Complaint:*

#### *a) Section 1.1 of the Schedule 1 to the RCMI Guidelines*

*Section 1.1 ("Advertising and Marketing Message") of Schedule 1 ("Core Principles") to the RCMI Guidelines states:*

*"Advertising and Marketing Messaging*

*SI.1. Advertising and Marketing Communications to Children for food and/or beverages must:*

*a. Represent healthier dietary choices, consistent with established scientific or Australian government standards, as detailed in Signatories' Company Action Plan; and*

*b. 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. "*

*Section 3 ("Definitions") of the RCMI Guidelines provides the following definitions:*

*• "Content" of "Advertising or Marketing Communications to Children" is defined as:*

*"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" is defined as:*

*"Persons under 12 years of age"*

#### *b) Unilever's Global Internal Nutrient Criteria*

*Unilever's Company Action Plan entitled "Advertising & marketing" (accessible online via: <http://www.afgc.org.au/our-expertise/health-nutrition-and-scientific-affairs/advertising-tochildren/>) states:*

*"In 2007 we extended this commitment to further restrict marketing to children between the ages of 6 and 11 for all products except those that meet the following strict nutrient criteria 1) NSW School Canteen Association criteria for green or amber foods [www.healthykids.com.au](http://www.healthykids.com.au)*

and

2) Unilever's global internal nutritional criteria - Nijman CAJ et al/ 2006 European Journal of Clinical Nutrition. 1-11"

*Core principles:*

*In addition to our Unilever marketing principles noted above we will meet each of the core principles outlined in the Responsible Children's Marketing Initiative by:*

*Advertising Messaging . 1 Only advertising food and beverage products to children under 12 which meet the NSW Schools Canteen Association criteria for Green or Amber AND Uni/ever's global internal nutrient criteria;*

*Advertising Messaging .2 Such advertising to children under 12 will be used to support, or will portray, good dietary habits and 1 or physical activity."*

*The "Unilever Nutrition Criteria (November 2013)" (UNC) (accessible online: [https://www.unilever.com/Images/slp\\_unilever-nutrition-criteria-november-2013\\_tcm244-414409\\_en.pdf](https://www.unilever.com/Images/slp_unilever-nutrition-criteria-november-2013_tcm244-414409_en.pdf)) provides that the maximum permitted levels of sugars for the Product is: "20 g added sugars/100g"*

*4. Unilever's response*

*As above, Unilever submits that the TVC is a communication intended for and "directed primarily to Children" for the purposes of the RCMI. However, Unilever disagrees with the Complaint's assertion that the TVC in anyway contravenes the RCMI.*

*Unilever submits that the TVC complies with the RCMI on the following grounds:*

*a) The Product is a "healthier dietary choice" under section 1.1 of the RCMI*

*Unilever does not agree with the Complaint's assertion that the Product does not comply with Unilever's Company Action Plan.*

*To this end, Unilever submits that:*

*i. the Product is classified as Amber under the NSW Fresh Tastes @ School criteria for a milk-based ice confection. The Product's categorisation as a "milk-based ice confection" is appropriate given that, although dairy does not appear as the first ingredient in the Product's ingredient list, the Product is consumed as a whole and dairy appears throughout the Product in varying levels across all three flavour components; and*

*ii. the Product complies with the UNC as it contains 19.83g per 100g of added sugars (less than the prescribed maximum of "20g added sugars/100g"). The sugars depicted in the Product's Nutrition Information Panel- being 21.6g per 100g - represent both added sugars and naturally occurring sugars.*

*The Product is a "healthier dietary choice" for the purposes of section 1.1 of the RCMI.*

*b) The TVC encourages "good dietary habits"*

*Unilever submits that the TVC encourages good dietary habits.*

*Firstly, this is achieved by the display of the words "True heroes balance energy intake and activity; enjoy Paddle Pop as a treat within a balanced diet" for just over half the duration of the TVC; that is, the words are displayed for 8 out of the 15 seconds. Unilever refers to the Board's comments that the message of "good dietary habits" can be conveyed in written form*

*if it is "clear and positive" in its encouragement of the message (041 0-13). Unilever submits that the length of time (and therefore prominence) given to that text highlights the message in the context of the TVC, which itself does not contain a voiceover (and is therefore to be distinguished from 0399-14, which was cited by the Complaint).*

*Secondly, it has been noted that the advertising or promotion of the Product is not "itself inconsistent with or undermining of a balanced diet or healthy lifestyles" (0399-14 ). This is applicable to the TVC, where the only other food featured is the fruit shown at the beginning of the TVC (half a watermelon, mangoes and an apple) on the beach towel. Other than that, the TVC does not depict any other food; let alone, unhealthy heating choices or practices (041 0-13).*

*c) The TVC encourages "physical activity"*

*Unilever submits that the TVC encourages physical activity.*

*Unilever refers to the Board's previous decisions which have held that physical activity does not need to be "portrayed as a structured or formal sporting activity, but that participating in imaginative, adventure play was a positive message that encouraged children to take part in the style of play"- (0410-13 and 0399-14).*

*Firstly, the beginning of the TVC depicts the two children in an active beach setting, where they are playing soccer with each other. The children also appear to be active in their discovery and investigation of the treasure chest.*

*Secondly, the fantasy ship scene depicts the Paddle Pop Lion and his female sidekick in their adventure play as being highly active while jumping/running towards to character clad in black clothing.*

*Contrary to the Complaint's suggestion, Unilever submits that the TVC goes well beyond the "mere suggestion" of physical activity and/or adventure through its depiction of both sporting and adventure activity throughout the TVC.*

## *5. Conclusion*

*In short, Unilever submits that the TVC complies with the RCMI and, accordingly, that the Complaint should be dismissed.*

## **THE DETERMINATION**

The Advertising Standards Board (Board) considered whether this advertisement breaches the AANA Code for Advertising and Marketing Communications to Children (the Kids Code), the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code), and the AFGC Responsible Children's Marketing Initiative of the Australian Food and Grocery Council (AFGC RCMI).

The Board noted the complainant's concern that the advertisement breaches the RCMI because it is an advertisement directed primarily to children and Twirly Pops are not a healthy dietary choice.



The Board reviewed the advertisement and noted the advertiser's response.

The Board noted that the medium the subject of complaint is a YouTube advertisement and that this falls within the scope of the AFGC RCMI.

The Board noted the RCMI Initiative 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 Board considered the theme, content and visuals of the advertisement. The Board noted the dictionary definition of 'primarily' is 'in the first place' and that to be within the AFGC RCMI the Board must find that the advertisement is aimed in the first instance at children under 12.

The Board noted that the advertisement features two young children playing on a beach who discover a treasure chest with a Paddle Pop Twirly Pop hovering inside. When one of the children tastes the Twirly Pop, an animated Paddle Pop lion appears. The animated Paddle Pop lion and another animated character use the Twirly Pops as weapons to fight another character. The children are then shown holding the product triumphantly. During the second half of the advertisement the phrase 'true heroes balance energy intake and enjoy Paddle Pop as a treat within a balanced diet' is shown at the bottom of the screen.

The Board noted the theme of the advertisement. The Board noted that the theme of discovering treasure on the beach, and an animated battle between good and evil characters are both themes that would appeal to younger children. In addition the overall theme of consumption of an icy-pole is a theme that would appeal to children.

The Board noted the language of the advertisement. The Board noted there are no spoken words in the advertisement, however the written language of 'true heroes' would appeal to young children. The Board also noted that the exciting sound-track and sound-effects to the advertisement were simple and would be attractive to young children.

The Board noted the visuals of the advertisement. The Board noted the inclusion of young children in the ad, the treasure chest on the beach, and the exciting animated fight would all be visually attractive to young children.

The Board noted the advertiser's response that the advertisement is "a communication intended for and directed primarily to children" and considered that the theme, language and

visuals of the advertisement are directed primarily to children under 12.

With regards to points 2(a) and (b), the Board noted that audience data for YouTube is hard to measure but considered that it is unlikely that children would represent 35 percent of more of the audience of this medium, and YouTube in general is not a medium directed primarily to children.

Finding that the advertisement fulfilled point 1 of the Initiative the Board considered that the Core Principles of the AFGC RCMI applied.

The first Core Principle of the RCMI is:

S1.1. Advertising and Marketing Communications to Children for food and/or beverages must:

- a. Represent healthier dietary choices, consistent with established scientific or Australian government standards, as detailed in Signatories' Company Action Plan; and
- b. 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.

The Board considered whether the product was a healthier dietary choice product.

The Board noted the complainant's concerns that the product is not a healthier choice as it does not meet the definition of being 'milk-based' and that it is listed as having over 20g of sugar per 100g.

The Board noted the advertiser's response that the product is a healthier choice and is classified as Amber under the NSW Fresh Tastes @ Schools criteria, and that "the product's classification as a 'milk-based ice confection' is appropriate given that although dairy does not appear as the first ingredient in the Product's ingredient list the Product is consumed as a whole and dairy appears throughout the Product in varying levels across all three flavour components."

The Board also noted that the advertiser's response that the product complies with the Unilever Internal Nutritional Criteria (UNC) and specifically that while Twirly Pops contains 19.83g of added sugar per 100g which is less than the 20g per 100g that is listed in the UNC, and that the 21.6g per 100g listed on the packet includes both added sugar and natural sugar.

The Board noted the Arbiter's advice that as the product only contained 19.83g of added sugar per 100g the product complies with the UNC.

However, the Board also noted the Arbiter's advice that:

"The Arbiter confirmed from nutrient information available on-line that a Paddle Pop Twirly Pop contains 585 kJ per 100g and the serving size is 55 g, so the energy content per serve is 322 kJ. Therefore if, as proposed by Unilever, the product is a milk-based ice confection it would be an AMBER food because the energy content per serve is less than 600 kJ. If

however, the product is classified as an ice confection it would be a RED food because the energy content per serve exceeds 300 kJ per serve.

While Unilever argued that the product is a milk-based ice confection, the National Healthy School Canteens Guidelines for healthy foods and drinks supplied in school canteens (Department of Health, Canberra, 2014), which informs the NSW School Canteen Association criteria for green or amber foods which Unilever's Company Action Plan indicates they will follow, indicates that for an ice confection to be considered milk-based, milk must be listed as the first ingredient. Milk is not the first listed ingredient in a Paddle Pop Twirly Pop, so it cannot be defined as a milk-based ice confection. Instead, it must be considered an ice confection and therefore, because it provides more than 300 kJ per serve, it is a RED food.

Therefore, it is the opinion of the Arbiter that the Paddle Pop Twirly Pop is a RED food, and it's advertising to children was not consistent with Unilever's commitment to the RCMI as detailed in their Company Action Plan."

On the basis of the confirmation by the Independent Arbiter that the product does not meet the criteria for a healthier choice product, the Board considered that the product is not a healthier dietary choice and is not permitted to be advertised to children under 12.

Finding that the advertisement did breach the AFGC RCMI, the Board upheld the complaint.

## **THE ADVERTISER'S RESPONSE TO DETERMINATION**

Unilever is committed to responsible marketing and advertising. We have played a leading role both globally and here in Australia in developing and supporting advertising codes for food and beverage marketing directed at children. We carefully assess all our products and marketing materials to ensure compliance with our various commitments, including the Responsible Children's Marketing Initiative (RCMI).

Unilever classified the Twirly Pop product (Product) as a "milk-based ice confection" in line with the NSW Fresh Tastes @ School criteria (Criteria). As there is no clear or accepted definition for "milk-based ice confection" under the Criteria, our classification was based on the amount of dairy throughout the Product and the Product's texture, which is similar to that of other milk-based ice confections.

As part of our ongoing commitment to the RCMI and the review process under the ASB, we accept the decision of the independent arbiter and will ensure that appropriate steps are taken to comply with the decision. The TVC will not be rebroadcast and we are in the process of removing it from YouTube. We will also update the Product's classification in line with this decision.

