



CASE REPORT

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| 1. Complaint reference number | 147/99 |
| 2. Advertiser | Kellogg Aust Pty Ltd |
| 3. Product | Food |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Discrimination or vilification Other – section 2.1 |
| 6. Date of determination | Tuesday, 11 May 1999 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

The advertisement shows an apparent ultrasound video image of a foetus, with voiceover saying ‘Having 400 micrograms of folate a day, a month before and three months after conception may reduce the risk of birth defects like spina bifida. You can get a quarter of your daily folate needs from a single serve of any Kellogg’s breakfast cereal with the folate logo. So, before you think about having children, think about having more folate.’ The sound of a kiss is heard and the ultrasound image appears to show the foetus blowing a kiss in the direction of the camera. The voiceover continues ‘Your baby will thank you’ and the advertisement concludes with an image of the folate logo, followed by the advertiser’s logo.

During the advertisement, the words ‘Eating a variety of foods helps optimize health’ appear in small print at the bottom of the screen, as if part of the ultrasound screen display.

THE COMPLAINT

Comments which the complainant made regarding this advertisement included the following:

‘Our 10 year old son has Spina Bifida. My concern is over the timing of the showing of this add (sic). It is difficult enough raising a child with Spina Bifida without that child seeing the add (sic) during cartoons in the morning and at night. It raises questions in the child’s mind about blame for his condition. This add (sic) has caused some concern amongst the parents of children with Spina Bifida that we know and a degree of un-necessary (sic) distress to our son.

‘Would it be possible to ask that this add (sic) only be shown after, say, 9pm ? Given the target audience, I think it would be appropriate and would be appreciated by the parents of children with Spina Bifida.’

THE DETERMINATION

The Advertising Standards Board (‘the Board’) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (‘the Code’).

The Board appreciated the personal concerns of the complainants. However, it determined that the advertisement should be viewed in the context of its message as a whole. Viewed in this light, the Board determined that the advertisement did not breach the Code and dismissed the complaint.